

**PB# 88-31**

**Tennis Equities  
(SP)**

**37-1-16.2**

TENNIS EQUITIES - SITE PLAN

88-31

Applicant: Tennis Equities 241-0797  
Rep: Geo. Henschel, JR. 234-9454

County File No. NWT 47-88 M

**COUNTY PLANNING REFERRAL**

(Mandatory County Planning Review under Article 12-B,  
Section 239, Paragraphs 1, m & n, of the  
General Municipal Law)

Application of Saw Mill Sports Management Corp.....  
for a Tennis Equities Club SITE PLAN - Rt. 9W.....  
County Action: ..Approved.....

**LOCAL MUNICIPAL ACTION**

The Above-cited application was:

Denied ..... Approved .....

Approved subject to County recommendations

(Date of Local Action)

(Signature of Local Official)

This card must be returned to the Orange County Department of Planning  
within 7 days of local action.

**General Receipt**

10575

**TOWN OF NEW WINDSOR**

555 Union Avenue  
New Windsor, N. Y. 12550

Received of

*Saw Mill Sports Management* May 15, 1989  
\$ 1691.50

*Sixteen Hundred Ninety One and 50/100* DOLLARS

*Planning fees \$1591.50 Planning Board \$100.00*

**DISTRIBUTION**

FUND	CODE	AMOUNT
<i>CR #1082</i>		<i>1691.50</i>

By

*Pauline H. Townsend*  
CS

*Town Clerk*

Title

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*Town Clerk*

Title

Williamson Law Book Co., Rochester, N. Y. 14609

## General Receipt

9803

### TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, N. Y. 12550

Received of

*Saw Mill Sports Management Corp.* *May 9, 1988* \$ *25.00*

*Twenty Five and 00/100* DOLLARS

For *Site Plan 88-31 - Tennis Equipment*

#### DISTRIBUTION

FUND	CODE	AMOUNT
<i>Cheq #1001</i>		<i>25.00</i>

By

*Pauline J. Townsend*

*Town Clerk*

Title

Williamson Law Book Co., Rochester, N. Y. 14609





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: Tennis Equities Site Plan  
PROJECT LOCATION: Route 9W (north side)  
PROJECT NUMBER: 88-31  
DATE: 28 September 1988

1. The Applicants have submitted a plan for review for the conversion of the existing Wings Distribution Warehouse to a multi-sport complex. The plan was previously reviewed on a pre-submission basis at the 10 August 1988 Planning Board Meeting.

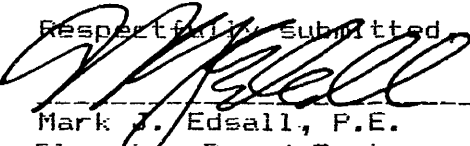
2. As previously noted in my 10 August 1988 comments, the property is split between the NC and R-5 Zones. The Board should review the application uses with regards to these two zones and their respective Bulk Tables.

3. The most important engineering concern I have is with regard to the easterly portion of this property and the fact that same is a swampy area. The easterly portion is noted on the U.S.G.S. mapping as same. For the Board's information, the outlet stream for freshwater wetlands CO-5 (which is located adjacent to Erie Avenue at the Foxwood Project) discharges to this site. From here, discharge is to wetlands CO-10 which is adjacent to the Hudson River and the Moodna Creek. If filling of portions of this property is proposed, the effects should be clearly defined and any impacts discussed.

4. The Board may wish to note the comments of the Board of Fire Commissioners of the Vails Gate Fire District, by letter dated 7 September 1988.

5. At such time that the Planning Board has made further review of the project, additional engineering review can be made and comments provided as necessary.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEnje  
tennis

TRAILER PARK SITE PLAN - 11-21

Mr. George Henshel came before the Board representing this proposal.

Mr. Henshel: Since the August meeting, I believe you had a chance to review this plan. I wasn't here myself but since that time, Michael Cain (phonetic) has met with Mr. Edsall and the fire commissioner and we tried to address some of the earlier comments that you had which were in regard to access around the existing building. Now, we want to convert a multi-sport club back to a tennis club as it was with additional access. The fire commissioner was concerned about access around the building and access at the sprinkler height in front of the building. We have made modifications to the plan to provide a 30 foot access to the hydrant and 20 foot access on either end of the building which the fire commissioner asked for so that it could bring equipment up. In addition, Mr. Cain has reviewed your questions about access to the north possibility of a second entrance or egress and due to the extreme terrain at this end of the property, I believe he has discussed this with Mr. Edsall, it is pretty impractical to do that in any realistic way. The grades involved are much more than we can handle. We have located here on this site plan the boundary line between the R5 zone and the NC zone. This portion will have all the structures, the club, to the back of the property would be a parking lot for 57 cars and outdoor tennis court which we'd like to have a seasonal air structure on in the winter. In addition, Kartiganer has looked at the access to the property. At the present time, it is a pretty undefined entrance. I am sure you have been over there and where the turn is really it is quite dangerous so they have come up with a proposal to put an island in, provide a wider 20 foot wide entrance. Also, as you know, this entrance serves the trailer park for the back so there is quite a bit of traffic there and Mr. Crain can go into more detail on that. I think Mr. Edsall had mentioned some concern about drainage to the rear of the property and I guess how this may effect an existing drainage basin which is back here now. Although this is a wet area in here, it is really relatively flat back here and there is actually only about a 1 foot difference. There is a little pocket that is right in here at elevation 87 and the wet condition we believe is created by a dam situation right here and it is our intent just to lower this area. There is also a knoll over here so by taking this high spot off and using it to fill this parking area, we think with very little movement of fill, we can correct that wet area and create a good plateau for the tennis courts.

Mr. Van Leeuwen: This is not part of the wetlands is it?

Mr. Henshel: No, I don't believe so. It is not a designated wetlands. I think Mr. Cain is more familiar with the drainage situation than I am.

Mr. Cain: From what we see, the front portion technically where the parking lot is going is from what I see is the result of the drainage coming off in front of the property. There is some catch basins along the road and it travels along the road and dumps into the bank. There is an open ended pipe. There is also some drainage off from the trailer park heading in that direction just creating a ponding in that back area. As you get back towards the railroad right of way, then it starts to get considerably more swampy back in that area. We are not planning on doing anything that far back.

Mr. Scheible: I just to read a letter from the Fire Bureau. Gentlemen, it has been brought to the attention of this Board that there are plans to convert the Kings Distribution Center into a health club which may include the construction of two air supported structures over the pool and tennis courts. Due to the inherent danger of collapse of air when the pressure is altered, it is the decision of this Board to advise you that we will not provide any interior fire protection to any air supported structures because of the extreme hazards involved to fire department personnel. So the Fire Bureau doesn't offer too much help on this and unless the Fire Bureau as far as I am concerned, unless the Fire Bureau would approve those structures, if they say no, I say no.

Mr. Henshel: At this time, we don't have an answer back to them. These are quite common structures that are used all over the country. We have one that we have constructed in Mt. Kisco New York that is seasonal and we put it up five years now and the fire department there has no problem with it. It has egress doors now that meet all the building codes and everything. So I am a little mistified at the moment as to why they's say that but I did hear that I guess someone told me this Town had a bad experience with a building that was not approved and they were storing I guess flammable material which may be why the commissioner is saying that at this time. These buildings would be completely low hazard building. There would be nothing in the tennis building there is nothing to burn in that building. You might be innterested when we take these buildings down every summer, it takes about four hours when they open all the doors and turn off the pumps, it takes four hours for the bubble to come down. So, it is really not something that collapses as you may think.

Mr. Van Leeuwen: You have to get together with the fire department.

Mr. Busman: I spoke with Bob Rogers and my understanding was that his position was he had no objectino to the air structure. I don't know whether you got a letter from him or--

Mr. Edsall: There is a correspondence from both the fire district commissioner and from the fire inspector's office, two totally different groups and the opposition is coming from the district, not from the fire inepsector's office.

Mr. Scheible: This one is dated 9/7/88 from the fire district, the one I just read.

Mr. Van Leeuwen: I suggest we go down and take another look. Once we get down there and look at it we can get a better idea of what can be done and what can't be done.

Mr. Busman: Mr. Rogers, my understanding has approved the proposed air structure. Mr. Rogers has done that. Mr. McDonald who is the chief of the volunteer fire department in the area has taken the position that he has no objection with the structure that is what he told me but he will not service a fire interior to the structure. I don't know how I can answer that question.

Mr. Van Leeuwen: I suggest you go see Mr. Rogers.

Mr. Busman: I spoke to both of them and they said they both submitted letters to the Board. I have samples of the fabric an NHPA fabric spec that it meets and these are outlined in red. I brought this along just to show you, New York State sites that have the air structures, towns of Briarcliffe, Putnam County,

For example, Glen Cove, Long Island City, Long Island City, etc. This is just one manufacturer. There are half a dozen manufacturers of this and this is the one that we happen to use as it meets both the standards. I don't understand his objection. There is nothing in either of these structures that would be flammable. Repase built an air structure without approval and used it as a storage structure.

Mr. Scheible: That was in the City of Newburgh.

Mr. Busman: We have got a swimming pool with no other surface materials and tennis courts for me it is a big decision. If the fire commissioners say they won't go inside, I think it is a question of my insurance coverage either I have to get extra insurance coverage or self-insure which I think is a minimal risk. I burned this fabric on my desk. I can put a match to it and it just sits there. It is a heavy fabric.

Mr. Van Leeuwen: In order for us to clear that we have to go through the fire inspector.

Mr. Edsall: The fire inspector's office has approved it. You have got a letter from the fire commissioner stating the will not provide interior fire protection.

Mr. Mc Carville: It is two separate issues.

Mr. Scheible: I see a problem the fire district says we told you we are not. I don't know how a fire would ever break out now and the fire department says we are not going to go in there and fight it.

Mr. Henshel: These are air supported structures with very little air flow. I think a fire starting in one of these structures would squench itself.

Mr. Schiefer: There's enough oxygen.

Mr. Edsall: After you make your decision on what you want to do with the air structure, we have some other important items to go over such as exactly how are you considering the two different zones itself so we know it meets the bulk requirements. You will have to decide which of the many uses you are considering. And also, the drainage. I have some comments on the drainage. Specifically, under the NC zone the only use that is reasonably close to what is proposed is called clubs such as a fraternity, social, political, etc. Does the Board agree that is what you want it to be considered?

Mr. Schiefer: That is a business.

Mr. Scheible: When it was originally built as a tennis was that prior?

Mr. Edsall: It was basically if this is correct.

Mr. Scheible: Was that prior to zoning laws if they get a variance?

Mr. Mc Carville: Yes.

Mr. Van Leeuwen: It wasn't built prior to zoning.

Mr. Edsall: If this piece of property got a use variance, it goes with the property.

Mr. Edsall: So, they should reference the use variance on the plan so we know what date it was so that would give them the right to reinstall the same use for the R5 zone. I assume it would be acceptable to consider it annual membership clubs. Would the applicant let me know if they have a variance. If they don't would you accept the definition of clubs such as fraternal, social or political, etc? If not, then they need to get a variance. We can assume that if they don't have a variance and no documentation they should proceed to the Zoning Board of Appeals and get what they need.

Mr. Busman: If there was a use variance granted in the first place and it has now been a warehouse does that void the use?

Mr. Edsall: No, it goes with the land. The wet land use for the Board's understanding the wetlands up at the Foxwood project by Erie eventually drain through this property. So, that will give you an indication of the drainage path through the back of this property which in turn drains to another wetlands adjacent to the Moodna and the Hudson. Given that and given the fact that this is extremely close if not within the area for the hundred year flood zone, I think they should to my satisfaction and Dick McGoe's satisfaction or the appointed people from the Town Board to review under the Flood Damage Prevention Law to project you from five years after you build this have it entirely flooded and damaged and in turn cause undue stress on you. You should really make a submittal or review of some sort to show that it does comply with the new town law. Basically, if you knew the wetlands I am referring you to it is a big area and it is all dumping through your area. Foxwood is quite a ways away but if you follow the path it comes down from the top through the back of the property.

Mr. Cain: Is that the one that snakes through the trailer park?

Mr. Edsall: Comes underneath 9W. Look at the wetlands maps.

Mr. Busman: Would it flood out the trailer park?

Mr. Edsall: Yes, they have had quite a bit of flooding in the past. You are going to have to submit that the fact that you are filling may impact the adjacent property and may cause them to flood more so you are going to have to make a review. I have got a comment sheet which I will give Mike, the two different wetlands, those are the two primary concerns that have to be addressed.

Mr. Cain: With the use of the trailer park with the same driveway what we have tried to do right now it is just a large open space. We have the gas station on the corner. What we are planning on doing is channelizing it and that will include a widening of the driveway as we start to get back on the property and also the installation or construction of an island. The island will direct cars coming into the project either to the back if you are going back towards the trailer park or to the back parking.

Mr. Van Leeuwen: When we have the inspection, we can meet you there.

Mr. Cain: Okay.

AS OF: 05/10/89

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## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 88- 31

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
									EXP.	BILLED	BALANCE
88-31	16072	08/09/88	TIME	MJE	MC TENNIS EQ.	40.00	0.50	20.00			
88-31	17039	08/19/88	TIME	MJE	MC TENNIS EQ	40.00	0.30	12.00			
88-31	16956	08/27/88	TIME	MJE	MC TENNIS EQUIP	40.00	0.50	20.00			
88-31	17731	09/13/88	TIME	MJE	MC TENNIS EQUIP	40.00	0.50	20.00			
88-31	18668	09/21/88	TIME	MJE	MC TENNIS EQUIP	40.00	0.50	20.00			
88-31	18673	09/25/88	TIME	MJE	MC TENNIS EQUIP	40.00	0.50	20.00			
88-31	20096	09/27/88	TIME	MJE	CL TENNIS EQUIITIES	17.00	0.50	8.50			
88-31	19100	09/28/88	TIME	MJE	MC TENNIS EQ	40.00	0.30	12.00			
88-31	20174	10/18/88	TIME	MJE	MC TENNIS EQUIITIES	40.00	0.50	20.00			
88-31	20420	10/25/88	TIME	MJE	MC TENNIS EQ	40.00	0.50	20.00			
88-31	20973	10/25/88	TIME	EJ	CL TENNIS EQ PR COMM	17.00	0.50	8.50			
88-31	20988	10/26/88	TIME	EJ	CL TENNIS EQ PR COMM	17.00	0.20	3.40			
88-31	22226	11/16/88	TIME	MJE	MC TENNIS EQ	40.00	0.80	32.00			
88-31	22746	11/21/88	TIME	MJE	MC TENNIS EQ	40.00	0.50	20.00			
88-31	22755	11/23/88	TIME	MJE	MC TENNIS EQ	40.00	1.00	40.00			
								276.40			
88-31	21293	11/14/88			BILL Partial Billing					-184.40	
										-184.40	
88-31	23466	12/12/88	TIME	MJE	MC TENNIS	40.00	1.50	60.00			
88-31	23475	12/13/88	TIME	MJE	MC TENNIS	40.00	1.00	40.00			
88-31	23732	12/15/88	TIME	MJE	MC TENNIS EQ	40.00	1.00	40.00			
88-31	25200	12/15/88	TIME	EJ	CL TENNIS EQ	19.00	0.30	5.70			
88-31	23736	12/16/88	TIME	MJE	MC TENNIS EQ	40.00	0.50	20.00			
								442.10			
88-31	24310	12/19/88			BILL PARTIAL					-192.00	
										-376.40	
88-31	25808	01/11/89	TIME	MJE	MC TENNIS EQ	60.00	0.30	18.00			
88-31	26735	01/23/89	TIME	MJE	MC TENNIS	60.00	0.30	18.00			
88-31	26470	01/24/89	TIME	HSA	OC WATER SLEEVE	35.00	1.00	35.00			
88-31	26748	01/24/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	26474	01/25/89	TIME	HSA	OC WATER SLEEVE	35.00	2.00	70.00			
88-31	26754	01/25/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	26759	01/27/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	26760	01/28/89	TIME	MJE	MC TENNIS	60.00	0.20	12.00			
88-31	26792	01/31/89	TIME	MJE	MC TENNIS	60.00	1.00	60.00			
88-31	26800	02/03/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	26848	02/07/89	TIME	MJE	MC TENNIS EQ	60.00	1.50	90.00			
88-31	26879	02/07/89	TIME	MJE	MC DUPLICATE ENTRY	60.00	0.00	0.00			
88-31	26851	02/08/89	TIME	MJE	MC TENNIS EQ	60.00	0.50	30.00			
88-31	26882	02/08/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	29282	02/09/89	TIME	EJ	CL TENNIS	19.00	0.50	9.50			

AS OF: 05/10/89

PAGE: 2

## CHRONOLOGICAL JOB STATUS REPORT

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CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 88- 31

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
									EXP.	BILLED	BALANCE
88-31	26859	02/10/89	TIME	MJE	MC TENNIS EQ	60.00	0.50	30.00			
88-31	26890	02/10/89	TIME	MJE	MC DUPLICATE ENTRY	60.00	0.00	0.00			
88-31	28284	02/10/89	TIME	EJ	CL TENNIS	19.00	0.30	5.70			
88-31	27988	02/15/89	TIME	MJE	MC TENNIS EQ	60.00	0.40	24.00			
88-31	28629	02/23/89	TIME	MJE	MC TENNIS EQ	60.00	0.20	12.00			
								1006.30			
88-31	29019	02/28/89			BILL inv 89 172						-629.90
											-1006.30
88-31	29212	03/01/89	TIME	MJE	MC TENNIS EQUI SITE VIS	60.00	1.00	60.00			
88-31	29218	03/04/89	TIME	MJE	MC TENNIS EQU/BOND	60.00	0.50	30.00			
88-31	29863	03/06/89	TIME	LSB	CL TENNIS EQ/LTR	19.00	0.80	15.20			
88-31	29702	03/07/89	TIME	MJE	MC TENNIS EQ	60.00	0.50	30.00			
88-31	31228	03/28/89	TIME	MJE	MC TENNIS EQ	60.00	1.30	78.00			
88-31	32343	04/04/89	TIME	MJE	MC TENNIS EQ	60.00	0.30	18.00			
88-31	32604	04/11/89	TIME	MJE	MC TENNIS EQ	60.00	0.20	12.00			
88-31	32610	04/14/89	TIME	MJE	MC TENNIS EQ	60.00	0.30	18.00			
88-31	32612	04/15/89	TIME	MJE	MC TENNIS EQ	60.00	1.50	90.00			
88-31	32980	04/18/89	TIME	MJE	MC TENNIS EQ	60.00	0.50	30.00			
88-31	33303	04/24/89	TIME	MJE	MC TENNIS EQ W/SEWER DT	60.00	0.40	24.00			
88-31	33304	04/25/89	TIME	MJE	MC REV. W/ T/BD MEMBER	60.00	0.50	30.00			
88-31	33305	04/27/89	TIME	MJE	MC MTG W/APP & REV FILE	60.00	1.50	90.00			
88-31	34104	05/10/89	TIME	MJE	MC TENNIS EQ EASE PLAN	60.00	1.00	60.00			
					TASK TOTAL			1591.50	0.00	-1006.30	585.20
					GRAND TOTAL			1591.50	0.00	-1006.30	585.20

PERFORMANCE AND MAINTENANCE BOND AGREEMENT

THIS AGREEMENT made and dated the \_\_\_\_\_ day of \_\_\_\_\_, 1989, by and between SAW MILL SPORTS MANAGEMENT CORP., doing business as the Hudson Valley Club, with offices at Kensico Drive, Mount Kisco, New York, hereinafter called the "Club" and the TOWN OF NEW WINDSOR, having its principal offices at 555 Union Avenue, New Windsor, New York 12550, hereinafter called the "Town".

WHEREAS, the Club is the owner of a certain improved parcel of land in the Town of New Windsor known by tax map designation section 37, block 1, lot 16.21 and

WHEREAS, the Club is to connect the premises to Sewer District No. 9 by installation a sewage pump station, force main and boring for force main under Route 9W to connect to manhole at Caesars Lane in accordance with plans and specifications approved by the Town's consulting engineer, and

WHEREAS, the Town Board by resolution adopted \_\_\_\_\_, 1989 fixed the performance bond in the amount of \$55,500.00.

WHEREAS, the Club wishes to assign to the Town of New Windsor a bank passbook in the amount of at \$55,500.00 as security to be deposited with this performance bond executed by them to guarantee the performance of the work, in lieu of a bond issued by a bonding or surety company; and

WHEREAS, the Town Board has indicated its willingness to accept the same,

NOW, THEREFORE, in consideration of the sum of \$1.00 and other good and valuable consideration, it is hereby agreed as follows:



1. That the Club is held and firmly bound unto the Town of New Windsor for payment whereof to the Town, the Club binds itself, its successors and assigns firmly by these presents. The condition of this obligation is such, that if the Club shall complete the construction and installation of the above described sanitary sewer tie in, in accordance with the specifications set forth above and to the satisfaction of the engineer for the Town then this obligation to be void, otherwise, to remain in full force and effect in the sum of \$55,500.00.

2. That the Club shall cause to be delivered to the Town of New Windsor a check in the sum of \$55,500.00 to be deposited by the Town in a bank passbook in the amount of at least \$55,500.00 upon the signing of this Agreement. The Town shall be the only signatory on this account. The amount of said deposit shall be reduced and refunded to the Club from time to time upon certification of the Town's consulting engineer that elements of the work have been completed.

3. That the Comptroller of the Town of New Windsor is hereby authorized to reduce the amount of the security held by the Town in an amount appropriate by virtue of the installation of required improvements and upon such reduction, the Town shall return to the Club the amount reduced. Interest earned on the bond deposit shall be paid to the Town for any and all administrative and consulting fees incurred in carrying out this agreement.

4. Club shall install a force main of at least 4" diameter from the east side of Route 9W to the manhole on Caesar's Lane. Club hereby grants the Town the right to use the said force main in cooperation with development of other sanitary sewer facilities

serving the east side of Route 9W. Club shall grant access accross its property, if necessary, to allow the Town to hook into the force main, provided the Town does not injure the Club's improvements, disturbing its business and restores premises to pre-excavation conditions.

IN WITNESS WHEREOF, the parties hereby have set their hands and seals the day and year first above written.

TOWN OF NEW WINDSOR

BY: \_\_\_\_\_  
GEORGE GREEN, SUPERVISOR

SAW MILL SPORTS MANAGEMENT CORP.

BY: \_\_\_\_\_  
CURTIS C. BEUSMAN, Pres.

STATE OF NEW YORK     )  
                              ) SS.:  
COUNTY OF ORANGE     )

On the \_\_\_\_\_ day of April, 1989, before me personally came GEORGE GREEN to me known, who, being by me duly sworn, did depose and say that deponent resides at \_\_\_\_\_, deponent is Town Supervisor of the municipal corporation described in and which executed the foregoing instrument; deponent signed deponent's name thereto by order of the Town Board of the said municipal corporation.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEW YORK     )  
                              ) SS.:  
COUNTY OF ORANGE     )

On the \_\_\_\_\_ day of April, 1989, before me personally came CURTIS C. BEUSMAN to me known, who, being by me duly sworn, did depose and say that deponent resides at Haines Road, Mount Kisco, New York, deponent is the President of Saw Mill Sports Management Corp. the corporation described in and which executed the foregoing instrument; deponent signed deponent's name thereto by order of the Board of Directors of the said corporation.

\_\_\_\_\_  
NOTARY PUBLIC

Whereas, the site plan approval for the tennis and sports facility at Route 9W, sec. 37, Block 1, lot 16.21 is subject to tie-in to Sewer District No. 9, and

Whereas, the owner will be delayed in effecting the said sewer tie-in due to the need to obtain a permit from N.Y.S.D.O.T. to bore under Route 9W to install the force main, and

Whereas, the owner wishes to proceed with site preparation and remodeling of the existing structure at the site in anticipation of the D.O.T. approval.

Now, therefore, the owner, Saw Mill Sports Management Corp., doing business as the Hudson Valley Club (the Club) and the Town of New Windsor (the Town) agree as follows:

1. The Club shall post a cash performance bond with the Comptroller to ensure the completion of the sewer tie in with Sewer District No. 9.
2. The Town hereby approves and authorizes the Club to tie in to Sewer District No. 9 as an outside user.
3. In the event the Town, in the future, establishes another sewer district, improvement area, or the like, for the purpose of serving the east side of Route 9W in the vicinity of the Club, the Town will not require the Club, its successors or assigns, to become a part of it or pay any assessment or other fee for such new district, area, etc. Upon connection of the premises to Sewer District No. 9, the Club shall commence paying and shall continue to pay sewer rents and other charges on the same basis as the other users of Sewer District No. 9.

4. In the future the Club shall grant to the Town such easements, at no charge to the Town as may be reasonable and necessary for the establishment of a sewer district or improvement area to serve the other parcels east of Route 9W. Such easement would be for the purpose of an underground sanitary sewer line, pump station and force main and the Club shall not construct any improvements in the easement area without the Town's consent. The course of the easement shall be laid out and any excavation or construction be performed in such a manner as to not injure the improvements erected or to be erected on the premises, as to not disrupt the business conducted on the premises, and the premises shall be restored to their pre-excavation condition by the Town. These benefits and conditions shall run with the land to the parties successors and assigns, and this agreement shall be filed in the Orange County Clerk's Office.

5. Upon posting the bond as aforesaid, the Club may clear and grade the land, and prepare the existing structure for renovation. Upon acceptance of the detailed plans for construction and/or renovation by the Building Inspector and Fire Inspector, such that they are satisfied that if construction were completed in accordance with the plans, a Certificate of Occupancy would be issued, then the Building Inspector may issue a Building Permit for such construction.

6. The Club understands and agrees that until completion of the sewer tie in and the other site plan approval conditions being satisfied, a Certificate of Occupancy will not be issued for the site.

7. The Club shall be responsible for paying all fees for the Town's consultants for review or completion of this project. Such fees shall first be drawn against the interest earned on the

performance bond, and then, if there be any deficiency, shall be paid by the Club.

TOWN OF NEW WINDSOR

BY: GEORGE GREEN, SUPERVISOR

SAW MILL SPORTS MANAGEMENT CORP.

BY: CURTIS C. BEUSMAN, Pres.

STATE OF NEW YORK     )  
                              ) SS.:  
COUNTY OF ORANGE     )

On the \_\_\_\_\_ day of April, 1989, before me personally came GEORGE GREEN to me known, who, being by me duly sworn, did depose and say that deponent resides at \_\_\_\_\_, deponent is Town Supervisor of the municipal corporation described in and which executed the foregoing instrument; deponent signed deponent's name thereto by order of the Town Board of the said corporation.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEW YORK     )  
                              ) SS.:  
COUNTY OF ORANGE     )

On the \_\_\_\_\_ day of April, 1989, before me personally came CURTIS C. BEUSMAN to me known, who, being by me duly sworn, did depose and say that deponent resides at Haines Road, Mount Kisco, New York, deponent is the President of Saw Mill Sports Management Corp. the corporation described in and which executed the foregoing instrument; deponent signed deponent's name thereto by order of the Board of Directors of the said corporation.

\_\_\_\_\_  
NOTARY PUBLIC

8010204



Permit Fee \$ 75.00  
 Ins. Fee \$ 2.50  
 Total Received \$ 77.50  
 Check or M.O. No. 14717  
 Liability Insurance

Permit No. 08-89-0204  
 Est. Compl. Date / /  
 SH No. 8537

Deposit Rec. for \$ 5000.00

Check or M.O. No. 14716  
 Dated 02/09/89

Policy No. DOT BLANKET POL  
 Disability Benefit Coverage

Policy No. N/A

Permittee: TENNIS EQUITIES, INC.  
 KENSICO DRIVE  
 MT. KISCO, NY 10549

Charge to Bond No. (\$ 0.00)  
 or Undertaking on File  
 Workmen's Compensation  
 Policy No. N/A

Billing Address:  
 (Complete if different from above)

Return of Deposit Made Payable to:  
 (Complete if different from Permittee)

Under the provisions of the Highway Law or Vehicle & Traffic Law, permission is hereby granted to the permittee to:  
 INSTALL SANITARY SEWER FORCE MAIN UNDER ROUTE 9W AND ALONG RIGHT-OF-WAY TO EXISTING MANHOLE LOCATED ON CAESARS LANE.

THE PERMITTEE IS RESPONSIBLE FOR THE MAINTENANCE AND PROTECTION OF TRAFFIC. IN ADDITION, ANYBODY WORKING IN THE RIGHT OF WAY IS REQUIRED TO WEAR A HARD HAT AND A REFLECTIVE SAFETY VEST.

County — ORANGE

Municipality — NEW WINDSOR

Route # — 9W

as set forth and represented in the attached application at the particular location or area, or over the routes as stated therein, if required; and pursuant to the conditions and regulations whether, general or special, and methods of performing work, if any; all of which are set forth in the application and form of this permit.

Dated at POUGHKEEPSIE, N.Y.  
 Date Signed 04/21/89

Commissioner of Transportation

By MICHAEL J. MIGNOGNA

*MJ Mignogna*

IMPORTANT

This permit, with application and drawing (or copies thereof) attached shall be placed in the hands of the contractor before any work begins.

*Enc*

NOTICE: Before work is started and upon its completion, the permittee absolutely must notify the Resident Engineer,

WILLIAM BAIN  
(914)562-4020

112 DICKSON STREET  
NEWBURGH, NEW YORK 12550

UPON COMPLETION OF WORK AUTHORIZED, THE FOLLOWING WILL BE COMPLETED AND SIGNED BY THE PERMITTEE AND DELIVERED TO THE RESIDENT ENGINEER.

Work authorized by this Permit was completed on (Date) \_\_\_\_\_

Refund of deposit or return of bond or reduction of amount charged against bond or deposit on file for this permit whichever is appropriate, is requested:

Date \_\_\_\_\_

PERMITTEE

AUTHORIZED AGENT (IF ANY)

Upon acceptance of work performed as satisfactorily completed, the Resident Engineer will sign the following and forward to the Regional Office.

Work authorized by this Permit has been satisfactorily completed and is accepted. **(Reverse side of this form must be completed).**

Date \_\_\_\_\_

RESIDENT ENGINEER

The Regional Office will forward this form to the Main Office with the appropriate box checked.

To : HIGHWAY PERMIT SECTION:

- ☐ Refund of Deposit on this Permit is authorized.
- ☐ Return of Bond furnished for this Permit is authorized.
- ☐ Amount charged against Blanket Bond for this permit may be cancelled.
- ☐ Retain Bond for future permits.

Date \_\_\_\_\_

REGIONAL TRAFFIC ENGINEER

The issuing authority reserves the right to suspend or revoke this permit, at its discretion without a hearing or the necessity of showing cause, either before or during the operations authorized.

The Permittee will cause an approved copy of the application to be and remain attached hereto until all work under the permit is satisfactorily completed, in accordance with the terms of the attached application. All damaged or disturbed areas resulting from work performed pursuant to this permit will be repaired to the satisfaction of the Department of Transportation.

Upon completion of the work within the state highway right-of-way, authorized by the work permit, the person, firm, corporation, municipality, or state department agency, and his or its successors in interest, shall be for maintenance and repair of such work as set forth within the terms and conditions of the work permit.

INSPECTION REPORT

PERM 421 (5/88)  
REVERSE

# INSPECTION REPORT

For each Highway Work Permit issued, inspections will be performed. The following report must be completed for each site visit, indicating the date, inspector and hours spent on inspection. If the total inspection time exceeds 4 hours, then a FIN 12 (PERMIT INSPECTION COST RECORD FOR DEPARTMENT SERVICES) IS REQUIRED.

# INSPECTION REPORT

HOURS WORKED BY DATE											HOURS	
Name	Date										Regular	Overtime
	R											
	O											
Name	Date										Regular	Overtime
	R											
	O											
Name	Date										Regular	Overtime
	R											
	O											
R = Regular Time, O = Overtime												

## INSTRUCTIONS:

1. NAME: Name of inspector.
2. DATE: Day inspected.
3. R: The number of Regular hours spent on inspection for that day.
4. O: The number of Overtime hours spent on inspection for that day.
5. HOURS: Add across for R and O.
6. TOTAL HOURS: Add the columns for R and O.



I HEREBY CERTIFY THAT THE INFORMATION CONTAINED ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NAME \_\_\_\_\_

TITLE \_\_\_\_\_

STATE OF TEXAS - DEPARTMENT OF TRANSPORTATION

8010204

Permit No. 08-89-0204

Est. Compl. Date 1/1/00

SH No. 8537

Deposit Rec. for \$ 5000.00

Check or M.O. No. 14717

Liability Insurance

Total Received \$ 75.00

Ins. Fee \$ 2.50

Fertile Fee \$ 77.50

HIGHWAY WORK PERMIT

08-89-0204

STATE OF NEW YORK  
 DEPARTMENT OF TRANSPORTATION  
 HIGHWAY WORK PERMIT APPLICATION FOR UTILITY WORK

PREPARE 3 COPIES

Application is hereby made for a highway work permit

Highway Work Permit No.

889-0204

 Name Tennis Equities, Inc.

Effective Date

 Address Kensico Drive

 City Mt. Kisco State N.Y. Zip 10549

BILLING ADDRESS IF DIFFERENT THAN MAILING ADDRESS:

RETURN PERMIT TO: (If different from above)

Name

Name

Address

Address

City State Zip

City State Zip

- Requested duration from 4/1 19 87 thru 9/30 19 89, to apply to the operations(s) checked below:
- Protective Liability Insurance covered by Policy No. DOT Blanket Policy; expires on 19
- Workers' Compensation Insurance Policy No. NA me expiring APR 04 1989
- Disability Benefits Coverage Policy No. NA me

CHECK TYPE OF OPERATION	Base Fee	PERMIT FEE Additional Fee		Sub- Total	Show Ins. Fee Amt. or PERM 17 or Undertaking on file	Total Amt. of Fee and/or Insurance	(✓) If Permit Fee Charged	Guarantee Deposit Check/Bond Amount	Check or Bond Number
		Indicate No. Foot/Poles	Times Unit Rate						
1. Original installation									
a Underground									
X (1) Excavating, tunneling, boring, installing, etc	\$ 25	200	\$ 25/H.	\$75.00	2,250.00	77.50		5,000	Ck. # 14716
(2) Commercial service sub-surface connection	\$ 25		\$ 25/H.						
(3) Residential service sub-surface connection	\$ 25		\$ 25/H.						
b Overhead			\$2/Unit						
(1) Erecting poles, towers, etc	\$ 50								
(2) Running new lines	\$ 50								
(3) Commercial service connections	\$ 15								
(4) Residential service connection	\$ 15								
c On Bridges and Culverts									
(1) Regular installation	\$ 50								
(2) Requiring structural changes (Existing procedure will continue for other aspects)	\$500								
d Telephone Booths									
(1) Along Interstate highways	\$ 50								
(2) Along State highways	\$ 50								
2. Maintenance									
a Single job	\$ 25								
Repairing, making replacements, relocation, performing herbicide work, etc (Indicate footage or poles although no additional fee)									
b Annual									
Per Region	\$2000								
Per County	500								
Includes tree work and other work permitted as single jobs (Department must be notified each time work is to be performed)									
c Repair of water or sewer lines	\$ 25								
d D.O.T. requested maintenance	N/C								
3. After original construction									
a Annual - includes overhead connections									
Per Region	\$2000								
Per County	500								
b Relocation - D.O.T. requested	N/C								
c Commercial service sub-surface connection	\$ 25		\$ 25/H.						
d Commercial service overhead connection	\$ 15								
e Residential service sub-surface connection	\$ 25		\$ 25/H.						
f Residential service overhead connection	\$ 15								
4. Miscellaneous	\$ 25								

WORK MAY BE DESCRIBED BRIEFLY AS FOLLOWS: Install sanitary sewer force main under Route 9W  
and along right-of-way to existing manhole located on Caesars Lane.

Additional work description is attached; Plans 1 page and/or        Map is attached showing work to be performed at:

LOCATION (on        along X across       ) State Route 9W-SH8537

between Reference Marker 113.9 and Reference Marker 114.1 in the Town of New Windsor

County of Orange known as Route 9W

SEQR REQUIREMENTS: (Check appropriate box)

☐ Exempt ☐ Ministerial ☒ Type II ☐ EIS or DEIS Lead Agency       

If project is identified to be ministerial, exempt, or TYPE II, no further action is required.

If project is determined to be other than ministerial, exempt, or TYPE II, refer to M.A.P. 7.12-2, Appendix A SEQR REQUIREMENTS FOR HIGHWAY WORK PERMITS.

Acceptance of the requested permit subjects the permittee to the restrictions, regulations and obligations stated on this application and on the permit.

Applicant Signature Chris C. Reisman President Date 7 February 19 89

For Joint application and work, note name and address of Second Applicant below:

Second Applicant Signature        Date        19       

Approval recommended 3/27/89 By Resident Engineer W. Babin Residency No. 854

Approved        19        By Regional Traffic Engineer        Region No.       

PERMIT IS ISSUED CONTINGENT UPON LOCAL REQUIREMENTS BEING SATISFIED.

An Undertaking, a bond or certified check in an amount designated by the Department of Transportation may be required by the Department Office, before a permit is issued, to guarantee restoration of the site to its original condition. If the Department is obliged to restore the site to its original condition, the costs to the Department will be deducted from the amount of the permittee's guarantee deposit at the conclusion of the work.

The permittee is responsible for traffic protection and maintenance including adequate use of signs and barriers during work and evening hours. Anyone working within the R.O.W. will wear an orange vest and hard hat.

No unnecessary obstruction is to be left on the pavement or the right-of-way or in such a position as to block warning signs or between work hours.

No work shall be done to obstruct drainage or divert creeks, water courses or sluices onto the right-of-way.

#### 4. SITE CARE AND RESTORATION

Notify Commissioner, through Regional Office, one week prior to commencing work, except emergency work by public service utilities which should be reported the next work day.

Work must start within 30 days from date of permit.

Notify area gas distributors 72 hours prior to any blasting.

Notify utility companies with facilities in work areas (permission must be obtained before doing work affecting utilities' facilities) before starting work in accordance with Industrial Code 53.

Notify Department of Transportation at conclusion of work and return original copy of permit to Resident Engineer.

Annual Maintenance Permit Notifications:

Notify by telephone the Regional or Resident Engineer's office, one week in advance, each time regular maintenance work is to be performed. In emergencies, notification by telephone should be made the next work day.

#### 3. NOTIFICATIONS

The applicant is required to have compensation insurance and disability coverage as noted in the provisions of the Worker's Compensation Law and Acts amendatory thereof for the entire period of the permit, or the permit is invalid.

#### 2. COMPENSATION INSURANCE AND DISABILITY COVERAGE

Permittee must have protective liability insurance coverage in accordance with Department requirements. (See Certificate of Protective Liability Insurance for Permits on State Highways Form PERM 17)

Expiration of, or lack of, liability insurance automatically terminates the permit. Insurance coverage may be provided by furnishing the Department with one of the following:

a. A Certificate of Protective Liability Insurance for Permits on State Highways (Form PERM 17, NYSDOT).

b. A \$250 remittance (check drawn on a New York State Bank or Certified) for coverage under the Departmental Blanket Policy.

c. Undertakings are limited to Public Service Corporations and government units. They must be executed through an insurance/bonding company and are subject to approval by NYSDOT Office of Legal Affairs.

#### 1. PROTECTIVE LIABILITY INSURANCE COVERAGE

### RESPONSIBILITIES OF PERMITTEE

## RESPONSIBILITIES OF PERMITTEE

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Expiration of, or lack of, liability insurance automatically terminates the permit. Insurance coverage may be provided by furnishing the Department with one of the following:

- a. A Certificate of Protective Liability Insurance for Permits on State Highways (Form PERM 17, NYSDOT).
- b. A \$2.50 remittance (check drawn on a New York State Bank or Certified) for coverage under the Departmental Blanket Policy.
- c. Undertakings are limited to Public Service Corporations and government units. They must be executed through an insurance/bonding company and are subject to approval by NYSDOT Office of Legal Affairs.

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### 4. SITE CARE AND RESTORATION

An Undertaking, a bond or certified check in an amount designated by the Department of Transportation may be required by the Regional Office, before a permit is issued, to guarantee restoration of the site to its original condition. If the Department is obliged to restore the site to its original condition, the costs to the Department will be deducted from the amount of the permittee's guarantee deposit at the conclusion of the work.

The permittee is responsible for traffic protection and maintenance including adequate use of signs and barriers during work and evening hours. Anyone working within the R.O.W. will wear an orange vest and hard hat.

No unnecessary obstruction is to be left on the pavement or the right-of-way or in such a position as to block warning signs or between work hours.

No work shall be done to obstruct drainage or divert creeks, water courses or sluices onto the right-of-way.

All falsework must be removed and all excavations must be filled in and restored to the satisfaction of the Regional Maintenance Engineer.

### 5. COSTS INCURRED BY ISSUANCE OF THIS PERMIT

All costs beyond the limits of the protective liability insurance, surety deposits, etc., are the responsibility of the permittee.

The State shall be held free of any costs incurred by the issuance of this permits, direct or indirect.

### 6. SUBMITTING WORK PLANS

The applicant will submit work plans and/or a map as required by the Department. This shall include such details as measurements of driveways with relation to nearest property corner, positions of guys supporting poles and a schedule of the number of poles and feet of excavation necessary for completion of the work on the State right-of-way. A description of the proposed method of construction will be included.

Plan work with future adjustments in mind, as any relocation, replacement or removal of the installation authorized by this permit and made necessary by future highway maintenance, reconstruction or new construction, will be the responsibility of the permittee.

Driveway plans should be prepared in accordance with the POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.

The permittee must coordinate his work with any state construction being conducted.

## 7. TRAFFIC MAINTENANCE

A plan detailing how the permittee intends to maintain and protect traffic shall be submitted with work plans. Traffic shall be maintained on the highway in a safe manner during working and non-working hours until construction is completed. The permittee is responsible for traffic protection and maintenance, including adequate use of signs, barriers, and flag persons during working and non-working hours until construction is completed.

All sketches will be stamped with "MAINTENANCE OF TRAFFIC SHALL BE IN CONFORMANCE WITH THE NEW YORK STATE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES."

## 8. COST OF INSPECTION AND SUPERVISION

Prior to issuance of the Highway Work Permit, the permittee will be required to sign a SUPERVISION AND INSPECTION PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS (FORM PERM 50) agreeing to the payment of inspection and supervision charges for Department employees. Supervision and inspection charges will be based on number of work days.

NOTE: Work day is determined on basis of minimum of four (4) hours of inspection.

## 9. SCOPE

### a. Areas Covered

Permits issued are for highways, bridges and culverts over which the New York State Department of Transportation has jurisdiction. (Local governments issue permits for their own jurisdiction.)

### b. Legal

The privilege granted by the permit does not authorize any infringement of federal, state or local laws or regulations, is limited to the extent of the authority of this Department in the premises and is transferable and assignable only with the written consent of the Commissioner of Transportation.

### c. Commissioner's Reservation

The Commissioner of Transportation reserves the right to modify fees and to revoke or annul the permit at any time, at his discretion without a hearing or the necessity of showing cause.

### d. Locations

Work locations must be approved by the Department.

### e. Maintenance

Property owners having access to a state highway shall be fully responsible for the maintenance of their driveway in accordance with POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.

## 10. COMPLETION OF PROJECT

Upon completion of the work within the state highway right-of-way authorized by the work permit, the person and his or its successors in interest, shall be responsible for the maintenance and repair of such work or portion of such work as set forth within the Terms and Conditions of the Highway Work Permit.

City _____ State _____ Zip _____	City _____ State _____ Zip _____
Address _____	Address _____
Name _____	Name _____
RETURN PERMIT TO: (if different from above)	
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Address _____	Address _____
Name _____	Name _____
Application is hereby made for a highway work permit	
Tennis Equities, Inc.	
Kensico Drive	
Mt. Kisco N.Y.	
Zip 10549	
BILLING ADDRESS IF DIFFERENT THAN MAILING ADDRESS:	
Name _____	City _____
Address _____	State _____
Zip _____	Effective Date _____
Highway Work Permit No. 889-0204	

HIGHWAY WORK PERMIT APPLICATION FOR UTILITY WORK

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION

PREPARE 3 COPIES

PERM 32g (2/81)

REVERSE

b. Boring, Jacking, and Tunneling Methods

a) All the requirements of B.1. a. 1.) DESIGN a) through f) shall apply.

b) Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.

CONSTRUCTION

a) All the requirements of B. 1. a. 1.) CONSTRUCTION shall apply.

C. SUBBASE, PAVEMENT AND SHOULDER REQUIREMENTS (including manholes)

1. Subbase

a. The subbase course shall be a minimum of 12 inches thick unless otherwise approved. The material shall meet the requirements of current Department of Transportation subbase course item as specified by the Regional Soils Engineer.

b. Under the permit, construction which adversely affects the subsurface drainage of the pavement structure shall be corrected by the addition of surface or subsurface drains, as required.

2. Pavement and Shoulders

a. Permanent

The replaced pavement shall be similar to the existing pavement in composition and texture. The selection of the material type and composition shall be subject to the approval of the Regional Director or his representative. The limit of pavement replacement shall be such that the replaced pavement is supported by thoroughly compacted subbase material and the pavement is restored to the proper grade, cross-slope and smoothness.

When bituminous concrete mixtures are required for the pavement replacement, the layers shall consist of one or a combination of mixture types contained in Table 401-1, Composition of Bituminous Plant Mixtures in Section 401 of the New York State Department of Transportation's Specification, including addenda. The mixture shall be placed at the proper temperature, without segregation, and compacted thoroughly.

When portland cement concrete mixtures are required for pavement replacement, the mixtures shall consist of either Class C or Class F as contained in Table 501-3, Concrete Mixtures in Section 501 of the New York State Department of Transportation's Specifications, including addenda. Class F is a high early strength mixture and should be used when early opening to traffic is desired.

The concrete mixtures shall be placed without segregation, then consolidated, finished to the proper elevation, and textured. Curing the concrete pavement shall be in accordance with one of the methods permitted in Section 502 pertaining to curing.

Pavement shoulders, curbs, gutters and other incidental features shall be replaced in kind unless otherwise approved by the Regional Director or his representative.

b. Temporary

Pavement that is replaced temporarily may be paved with either a hot bituminous concrete mixture mentioned above or a cold bituminous patching mixture. When a cold patching mixture is used it shall consist of aggregate and bituminous material proportioned and mixed in a bituminous mixing plant or rotating paddle shaft pugmill. Regardless which patching mixture is used it shall be laid on a prepared foundation and thoroughly compacted. Since cold bituminous patching mixtures are subject to distortion by traffic, the temporary patch shall be maintained to provide a smooth surface until the pavement is permanently replaced.

3. Manholes

Manhole frames and covers shall have sufficient structural adequacy to support the roadway traffic. The type of manhole frame and cover shall be approved by the Regional Director or his representative. The manhole frame shall be set flush with the surface of the roadway unless otherwise permitted by the Regional Director or his representative.

D. MAINTENANCE AND PROTECTION OF TRAFFIC

1. Traffic is to be maintained at all times during the progress of this work and adequate signs, barricades and lights shall be provided in accordance with the provisions of Sub-chapter H of the N.Y.S. Department of Transportation's Manual of Uniform Traffic Control Devices. A maintenance and protection of traffic plan may be required. No lanes shall be closed without prior approval.

2. The applicant shall erect and maintain suitable barricades around all trenches while work is in progress for the protection of the public, and they shall be suitably lighted by yellow lights at night. The work shall be carried on in such manner that not more than 100 feet of trench in earth remains open at end of day's work.

3. No pavement cuts are to be left unfilled over night, except in emergencies, and in such cases, adequate precautions must be exercised to protect traffic. Prior approval must be obtained to use steel plating.

4. No construction materials or equipment shall be left on the shoulders or pavement after working hours, nor shall any construction equipment or material be placed in any manner or location that will obstruct highway or railroad warning signs.

5. All open trench in the highway right-of-way shall be barricaded. There shall be conspicuously displayed bright red flags no less than 24" x 24" attached to such barricades and illuminated at night with flashing yellow lights. If in the judgment of the representative of the Commissioner of Transportation, flagmen are necessary, they shall be employed by the permittee and on duty at all times during the progress of the work so as to direct traffic and maintain yellow flashing lights, etc.

6. Soft shoulder signs of adequate size, not less than 24" square, shall be erected and maintained on all backfill trenches within the shoulder area until the backfill is thoroughly settled. These signs shall be located at the beginning of each section of work at intersections and at a distance not greater than 1000 feet apart.

7. During winter conditions highway shoulders shall be maintained free of obstructions which would interfere with snow removal and ice control.

8. The permittee shall keep the traveled way free of foreign objects such as rocks, timber and other items that may fall from transporting vehicles. Spillage of material carried by or dropped from the under-carriage of any carrying vehicle resulting from the permittee's hauling operations along or across any public traveled way shall be removed immediately and such traveled way, both within and outside of the work limits, shall be kept free of such spillage by the permittee.

E. COMPLETION OF WORK

1. All work is to be performed in a manner approved by the Resident Engineer of the State Department of Transportation.
2. All disturbed areas shall be returned to their original condition in a manner satisfactory to the Commissioner of Transportation or his representative
3. The permittee shall be required to restore shoulders and ditches and clean up the highway as his work progresses. All driveways shall be restored with material in kind and to their original conditions.
4. All surplus earth and rubbish shall be cleaned up and removed from the highway right-of-way upon completion of the work, and the highway left in a neat and orderly condition.
5. As built plans showing final grade of new installation and existing underground facilities encountered shall be provided to N.Y.S.D.O.T. if variation from approved design plans occurred during construction.

F. NECESSITATED FUTURE WORK

1. The applicant agrees, that any present or future injury to or disturbance of the highway, its slopes or gutters, caused by placing mains and service pipe shall be repaired by the applicant at his own expense and in accordance with the requirements of the State Department of Transportation.
2. If necessity arises in the future because of the work on the State Highway system and/or its structures, requiring the removal, relocation or replacement of the installation authorized by the permit, said work shall be done as directed by the Commissioner or his representative, and all cost and expense so incurred shall be the obligation of the said permittee or his successor in interest.

II. TELEPHONE - TELEGRAPH INSTALLATIONS

A. SETTING OF POLES

1. All poles shall be set outside the ditch lines so that the proper drainage of the highway will not be interfered with. In case it is impracticable to set poles so as not to interfere with the flow of water in the ditches, the shoulder, ditch and space around the poles shall be paved by the applicant to protect against wash.
2. There shall be no obstruction to private driveways, connecting highways or roads, paths or sidewalks.
3. In case it is found necessary to trim trees within the boundaries of the highway, the least possible amount shall be done, and in all cases the consent of the abutting property owner must be secured before the poles are set and trees trimmed.
4. Poles shall be of sufficient length to provide a clearance of not less than eighteen feet between the wire and the crown of the highway, under the worst conditions of temperature and loading. They shall be set in line and properly plumbed. They shall be well guyed. ~~No guying to trees, unless by special permission of owner.~~ Special precautions shall be taken on curves and where lines cross from one side of highway to the other. Poles shall be straight, sound, and the fittings shall be of sufficient strength to carry wires under the worst condition of loading (ice, wind, etc).
5. Where telegraph and telephone wires cross high tension power lines, electric light or trolley wires, special precaution shall be taken to maintain proper clearance under the worst condition of temperature and loading.

B. RESETTling POLES

1. If necessity arises in future, because of work on the highway, to relocate, replace or re-set poles, cables or conduits, said work shall be done at the expense of the applicant.

III. SPECIAL CONDITIONS

- A. In addition to the aforementioned conditions, if it is found necessary by this Department to add to or otherwise modify the same, it is to be understood such changes shall form a part of the permit and be complied with immediately upon notice.

IV. ADDITIONAL SPECIAL CONDITIONS AND SKETCHES - See Attached Sheet.

or his representative.

Temporary soil erosion and water pollution controls shall be used as required. The final decision on the method of underground installation will be made by the Regional Director

All the current requirements of the following shall apply: Occupational Safety and Health Administration, Federal Department of Labor, Safety and Health Standards (29 CFR 1926/1910); Part 131, Title 17, New York Code of Rules and Regulations, Accommodation of Utilities Within State Right-of-Way; New York State Department of Labor, Industrial Code Rule 23, Protection of Persons Employed in Construction and Demolition Work; Industrial Code Rule 53, Construction, Excavation and Demolition Operations At Or Near Underground Facilities.

B. REQUIREMENTS

1. Work under the permit shall be commenced within thirty (30) days from the date of permit issuance unless a later starting date is approved by the Regional Traffic Engineer.

A. TIME

These conditions and regulations apply to Highway Work Permits authorizing work within the State highway right-of-way for water mains, gas mains, sewer lines and miscellaneous structures. General conditions apply to telephone and telegraph installations as well as specific conditions on the setting and resetting of poles. These conditions, and any special conditions which are added to this form, are enforceable by the Department of Transportation.

1. GENERAL CONDITIONS

WITHIN THE STATE HIGHWAY RIGHT OF WAY

METHOD OF PERFORMING WORK

# **METHOD OF PERFORMING WORK WITHIN THE STATE HIGHWAY RIGHT OF WAY**

## **I. GENERAL CONDITIONS**

These conditions and regulations apply to Highway Work Permits authorizing work within the State highway right-of-way for water mains, gas mains, sewer lines and miscellaneous structures. General conditions apply to telephone and telegraph installations as well as specific conditions on the setting and resetting of poles. These conditions, and any special conditions which are added to this form, are enforceable by the Department of Transportation.

### **A. TIME**

1. Work under the permit shall be commenced within thirty (30) days from the date of permit issuance unless a later starting date is approved by the Regional Traffic Engineer.

### **B. REQUIREMENTS**

All the current requirements of the following shall apply: Occupational Safety and Health Administration, Federal Department of Labor, Safety and Health Standards (29 CFR 1926/1910); Part 131, Title 17, New York Code of Rules and Regulations, Accommodation of Utilities Within State Right-of-Way; New York State Department of Labor, Industrial Code Rule 23, Protection of Persons Employed in Construction and Demolition Work; Industrial Code Rule 53, Construction, Excavation and Demolition Operations At Or Near Underground Facilities.

Temporary soil erosion and water pollution controls shall be used as required. The final decision on the method of underground installation will be made by the Regional Director or his representative.

#### **1. Work Within Pavement and Shoulder Areas**

- a. Installations that cross the pavement and shoulder area. Wherever practical, all underground installations shall be placed beneath the pavement and shoulder areas without disturbance to these paved surfaces.

##### **1) Boring, Jacking, and Tunneling Methods**

###### **DESIGN**

- a) The location of all excavations (jacking pits, etc.) shall be shown in plan and profile.
- b) The soil profile and groundwater conditions shall be determined by adequate subsurface exploration.
- c) The location of all other existing utilities shall be shown.
- d) The construction equipment and procedures to be used shall be described in the permit application.
- e) The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Department.
- f) The underground installation shall be described in detail, i.e. size, length, depth, material, provisions for grouting, etc.
- g) Pipes shall generally be enclosed in sleeves or larger pipes. Small diameter services (2 inch I.D. or smaller) may be placed without sleeving at the discretion of N.Y.S.D.O.T.
- h) The limits of an open excavation shall not be closer than 10 feet to the edge of the pavement unless approved by the Department. Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.

###### **CONSTRUCTION**

- a) Grouting operations may be required if surface settlement, loss of soil or voids around the pipe develop. When grout is required, it shall consist of 1 part cement to 2 parts sand, by volume, and sufficient water to produce a consistency suitable for placing the grout.
- b) Backfill of open excavations shall be as required under

##### **2.) f) Open Excavation Method.**

##### **2) Open Excavation Method**

###### **DESIGN**

- a) The location of all pavement crossing by the open excavation method shall be shown in plan and profile.
- b) The soil profile and groundwater conditions shall be determined by adequate subsurface exploration.
- c) The location of all other existing utilities shall be shown.
- d) The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Department.
- e) When requested, the construction equipment and procedures to be used shall be described in the permit application.
- f) Pipe installations shall be done according to the requirements of the appropriate New York State Department of Transportation's Standard Sheets. The required granular material shall meet the material requirements for Select Granular Fill in the current New York State Department of Transportation's Standard Specifications including addenda. Exceptions will only be allowed if prior approval is granted by the Regional Soils Engineer.
- 1.) Pavement shall be saw cut at termination points of pavement replacement.



### CONSTRUCTION

- a) Pavement and shoulder removal shall be done in a manner that provides for proper restoration of the replacement section. Straight, vertical cuts of the pavement will be required. Pavement surfaces that become undermined shall be cut back and removed. Alternative repair methods may be used if prior approval is granted.
  - b) The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, New York State Department of Transportation's Specifications, including addenda.
  - c) Generally, cuts shall be filled at the end of each working day. With prior approval, steel cover plates may be used. Recessing of these plates may be required.
  - d) Temporary pavements and shoulders shall be placed as soon as a crossover installation is completed.
- b. Installations that are longitudinal to the pavement.

#### 1) Open Excavation Method

##### DESIGN

- a) The location of all open excavations shall be shown in plan and profile.
- b) The soil profile and groundwater conditions shall be determined by adequate subsurface exploration.
- c) The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Department.
- d) The location of all other existing utilities shall be shown.
- e) Pipe installations shall be done according to the requirements of the appropriate New York State Department of Transportation's Standard Sheets. The required granular material shall meet the material requirements for Select Granular Fill in the current New York State Department of Transportation's Standard Specifications, including addenda. Exceptions will only be allowed if prior approval is granted by the Regional Soils Engineer.

##### CONSTRUCTION

- a) Pavement and shoulder removal shall be done in a manner that provides for proper restoration of the replacement section. Straight, vertical cuts of the pavement will be required. Pavement surfaces that become undermined shall be cut back and removed. Alternative repair methods may be used if prior approval is granted.
- b) The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, New York State Department of Transportation's Specifications, including addenda.
- c) Generally, cuts shall be filled at the end of each working day. With prior approval, steel cover plates may be used. Recessing of these plates may be required.
- d) Permanent or temporary pavement shall be placed immediately as sections of the total installation are completed to subbase elevation. Gravel surfaces in shoulder areas may be used if prior approval is granted.

#### 2) Boring, Jacking, and Tunneling Methods

##### DESIGN

- a) All the requirements of B.1. a. 1.) DESIGN a) through g) shall apply.

##### CONSTRUCTION

- a) All the requirements of B.1. a. 1.) CONSTRUCTION a) and b) shall apply.
- b) Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.
- c) The requirements of B.1. b. 1.) CONSTRUCTION d) shall apply.

#### 2. Work Outside the Pavement and Shoulder Areas

##### a. Open Excavation Method

##### DESIGN

- a) All the requirements of B.1. b. 1.) DESIGN shall apply.
- b) Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.

##### CONSTRUCTION

- a) The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, New York State Department of Transportation's Specifications, including addenda.

b. Boring, Jacking, and Tunneling Methods  
a) All the requirements of B.1. a. 1.) DESIGN a) through f) shall apply.

TENNIS CLUB ON ROUTE 9W

Mr. Rones: The status report on the tennis club on Route 9W, the Board approved the site plan subject to various items. I am informed, Mark has to check that all of those items have been completed except the hook-up to sewer district #9. It has been authorized by the Town Board. The actual hook-up has to wait the boring permit from the DOT and accordingly, the applicant has posted a \$71,000 bond, the amount of which has been reviewed by Mr. McGoey and approved by the Town Board. So, that is ready for filing and subject to Mark's verifying that all of the site plan conditions have been met, they have completed the conditions for the application.

Being that there was no further business to come before the Board a motion was made to adjourn the meeting by Mr. VanLeeuwen seconded by Mr. McCarville and approved by the Board.

Respectfully submitted:

  
FRANCES SULLIVAN  
STENOGRAPHER



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. MCGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN OF New Windsor P/B # 88-31  
WORK SESSION DATE: 4-4-89 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: No REQUIRED:  
PROJECT NAME: Tennis Equities  
PROJECT REFERENCE NO. \_\_\_\_\_ NEW \_\_\_\_\_ OLD ✓  
REPRESENTATIVE PRESENT: \_\_\_\_\_  
TOWN REPS PRESENT: BLDG INSP. ✓  
FIRE INSP. ✓  
P/B ENGR. ✓  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Lot line change w/ Yarrowne for 5' strip will be coming in.

\$ lot to RDM for bond  
locate easements  
see J Tad re Agmt.

(needs T/B action)

3MJES9

file

MEMORANDUM

FOR: FILE - SEWER DISTRICT #22  
TENNIS EQUITIES P.B. # 88-31

DATE: 17 NOVEMBER 1988

On this date a meeting was held with Curt of the tennis facility, Mike Kane of Kartiganer, Tad Seaman, Bob Rodgers, and Dick McGoey. The purpose of meeting was to discuss the formation of the special sewer improvement area around the existing Wings Distribution facility which will be converted to tennis courts, and how the site development of the tennis facility can assist in the development of the sewerage system for the benefit area. Generally Curt appeared to be willing to cooperate and provide easements across their property for Bowling Time and the Lafayette Avenue area as well as provide the land necessary for a pump station. He also seemed to be willing to construct the pump station if, in fact, it were far and excess of the cost necessary for him to construct his own pumping facility. In addition, run the line from the low point near their parking lot out to Rt. 9W. The Town Board had discussed with Curt the potential for using an existing sleeve near the gas station, which now contains a water service and having Curt reconnect the water service to the mobile home park and gas station to their 8" lateral. We also discussed the possible use of the existing 12" sleeve carrying their 8" water line, if in fact, sprinklers are or not necessary. In summary, Curt indicated he was willing to do whatever was reasonable to accommodate the new sewer service area.

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-36 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 88- 31

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
									EXP.	BILLED	BALANCE
88-31	17542	08/09/88	TIME	MJE	MC TENNIS EQ.	40.00	0.50	20.00			
88-31	18541	08/19/88	TIME	MJE	MC TENNIS EQ	40.00	0.30	12.00			
88-31	18454	08/27/88	TIME	MJE	MC TENNIS EQUIP	40.00	0.50	20.00			
88-31	19274	09/13/88	TIME	MJE	MC TENNIS EQUIP	40.00	0.50	20.00			
88-31	20265	09/21/88	TIME	MJE	MC TENNIS EQUIP	40.00	0.50	20.00			
88-31	20270	09/25/88	TIME	MJE	MC TENNIS EQUIP	40.00	0.50	20.00			
88-31	21757	09/27/88	TIME	MJE	CL TENNIS EQUITIES	17.00	0.50	8.50			
88-31	20714	09/28/88	TIME	MJE	MC TENNIS EQ	40.00	0.30	12.00			
88-31	21835	10/18/88	TIME	MJE	MC TENNIS EQUITIES	40.00	0.50	20.00			
88-31	22095	10/25/88	TIME	MJE	MC TENNIS EQ	40.00	0.50	20.00			
88-31	22659	10/25/88	TIME	EJ	CL TENNIS EQ PB COMM	17.00	0.50	8.50			
88-31	22674	10/26/88	TIME	EJ	CL TENNIS EQ PB COMM	17.00	0.20	3.40			
88-31	24015	11/16/88	TIME	MJE	MC TENNIS EQ	40.00	0.80	32.00			
88-31	24562	11/21/88	TIME	MJE	MC TENNIS EQ	40.00	0.50	20.00			
88-31	24571	11/23/88	TIME	MJE	MC TENNIS EQ	40.00	1.00	40.00			
									276.40		
88-31	23003	11/14/88			BILL Partial Billing					-184.40	
											-184.40
88-31	25295	12/12/88	TIME	MJE	MC TENNIS	40.00	1.50	60.00			
88-31	25304	12/13/88	TIME	MJE	MC TENNIS	40.00	1.00	40.00			
88-31	25568	12/15/88	TIME	MJE	MC TENNIS EQ	40.00	1.00	40.00			
88-31	27082	12/15/88	TIME	EJ	CL TENNIS EQ	19.00	0.30	5.70			
88-31	25572	12/16/88	TIME	MJE	MC TENNIS EQ	40.00	0.50	20.00			
									442.10		
88-31	26150	12/19/88			BILL PARTIAL					-192.00	
											-376.40
88-31	27704	01/11/89	TIME	MJE	MC TENNIS EQ	60.00	0.30	18.00			
88-31	28653	01/23/89	TIME	MJE	MC TENNIS	60.00	0.30	18.00			
88-31	28384	01/24/89	TIME	HSA	OC WATER SLEEVE	35.00	1.00	35.00			
88-31	28666	01/24/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	28388	01/25/89	TIME	HSA	OC WATER SLEEVE	35.00	2.00	70.00			
88-31	28672	01/25/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	28677	01/27/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	28678	01/28/89	TIME	MJE	MC TENNIS	60.00	0.20	12.00			
88-31	28711	01/31/89	TIME	MJE	MC TENNIS	60.00	1.00	60.00			
88-31	28719	02/03/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	28768	02/07/89	TIME	MJE	MC TENNIS EQ	60.00	1.50	90.00			
88-31	28800	02/07/89	TIME	MJE	MC DUPLICATE ENTRY	60.00	0.00	0.00			
88-31	28771	02/08/89	TIME	MJE	MC TENNIS EQ	60.00	0.50	30.00			
88-31	28803	02/08/89	TIME	MJE	MC TENNIS	60.00	0.50	30.00			
88-31	30222	02/09/89	TIME	EJ	CL TENNIS	19.00	0.50	9.50			

AS OF: 02/27/89

PAGE: 2

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 88- 31

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	-----DOLLARS-----			
								TIME	EXP.	BILLED	BALANCE
88-31	28779	02/10/89	TIME	MJE	MC TENNIS EQ	60.00	0.50	30.00			
88-31	28811	02/10/89	TIME	MJE	MC DUPLICATE ENTRY	60.00	0.00	0.00			
88-31	30224	02/10/89	TIME	EJ	CL TENNIS	19.00	0.30	5.70			
88-31	29924	02/15/89	TIME	MJE	MC TENNIS EQ	60.00	0.40	24.00			
88-31	30571	02/23/89	TIME	MJE	MC TENNIS EQ	60.00	0.20	12.00			
TASK TOTAL								1006.30	0.00	-376.40	629.90
GRAND TOTAL								1006.30	0.00	-376.40	629.90



# SAW MILL SPORTS MANAGEMENT CORPORATION

KENSICO DRIVE

MOUNT KISCO, NY 10549

914-241-0797

February 23, 1989

Mr. Carl Schiefer, Chairman  
Town of New Windsor Planning Board  
Town Hall  
555 Union Avenue  
New Windsor, NY 12550

Dear Mr. Schiefer:

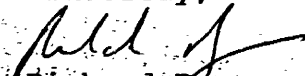
RE: Hudson Valley Club

I am sending you a copy of the NYSDOT permit approval for the curb cut and entry changes for the 9W property. This was one of the "subject to" conditions for our site plan, so I am pleased to enclose this copy for your files.

We are hopeful that the sewer tie-in question will be resolved in the very near future. As you know, this is the final "subject to" condition that needs to be met for the site plan. We are currently waiting for D.O.T permit approval for the drilling and boring alongside and under Route 9W. It has been our experience that this will involve at least a 12 week turnaround time.

Due to this untenable time delay, we have received an engineers cost estimate for the sewer project. It is with this in mind that we have been talking to Tad Seaman and Mark Edsall, and are in the process of bonding with the town concerning the sewer tie-in. Once this is accomplished, we are hopeful the building permit process can be initiated.

Sincerely,

  
Richard Beusman  
General Manager

cc: Joseph Rones

PERM 421 (5/88)

STATE OF NEW YORK — DEPARTMENT OF TRANSPORTATION

8009952



Permit Fee \$ 25.00

Ins. Fee \$ 2.50

Total Received \$ 27.50

Check or M.O. No. 14159

Liability Insurance

Policy No. DOT BLANKET POL

Disability Benefit Coverage

Policy No. N/A

Permit No. 08-88-9952

Est. Compl. Date 01/31/90

**HIGHWAY WORK PERMIT**

SH No. 8537

Deposit Rec. for \$ 3000.00

Check or M.O. No. 14160

Dated 12/09/88

Expiring / /

Permittee: TENNIS EQUITIES, INC.  
KENSICO DRIVE  
MOUNT KISCO, NY 10549

Charge to Bond No. (\$ 0.00)

or Undertaking on File

Workmen's Compensation

Policy No. N/A

att:

Billing Address:

(Complete if different from above)

Return of Deposit Made Payable to:

(Complete if different from Permittee)

Under the provisions of the Highway Law or Vehicle & Traffic Law, permission is hereby granted to the permittee to:

IMPROVEMENTS TO AN EXISTING COMMERCIAL DRIVEWAY LOCATED ON ROUTE 9W. ALL DISTURBED AREAS WITHIN STATE ROW ARE TO BE TOPSOILED, SEEDED AND MULCHED. NO TREES WITHIN THE STATE ROW OVER 6' DBH ARE TO BE REMOVED WITHOUT PRIOR PERMISSION FROM THIS OFFICE.

THE PERMITTEE IS RESPONSIBLE FOR THE MAINTENANCE AND PROTECTION OF TRAFFIC. IN ADDITION, ANYBODY WORKING IN THE RIGHT OF WAY IS REQUIRED TO WEAR A HARD HAT AND A REFLECTIVE SAFETY VEST.

County — ORANGE

Municipality — NEW WINDSOR

Route # — 9W

as set forth and represented in the attached application at the particular location or area, or over the routes as stated therein, if required; and pursuant to the conditions and regulations whether, general or special, and methods of performing work, if any; all of which are set forth in the application and form of this permit.



Dated at **POUGHKEEPSIE, N.Y.**  
Date Signed **02/15/89**

Commissioner of Transportation

By **MICHAEL J MIGNOGNA**

*M J Mignogna*  
*me*

**IMPORTANT**

This permit, with application and drawing (or copies thereof) attached shall be placed in the hands of the contractor before any work begins.

NOTICE: Before work is started and upon its completion, the permittee absolutely must notify the Resident Engineer,

**DONALD F FULLAM**  
**(914)562-4020**

**112 DICKSON STREET**  
**NEWBURGH, NEW YORK 12550**

UPON COMPLETION OF WORK AUTHORIZED, THE FOLLOWING WILL BE COMPLETED AND SIGNED BY THE PERMITTEE AND DELIVERED TO THE RESIDENT ENGINEER.

Work authorized by this Permit was completed on (Date) \_\_\_\_\_

Refund of deposit or return of bond or reduction of amount charged against bond or deposit on file for this permit whichever is appropriate, is requested:

Date \_\_\_\_\_

**PERMITTEE**

**AUTHORIZED AGENT (IF ANY)**

Upon acceptance of work performed as satisfactorily completed, the Resident Engineer will sign the following and forward to the Regional Office.

Work authorized by this Permit has been satisfactorily completed and is accepted. **(Reverse side of this form must be completed).**

Date \_\_\_\_\_

**RESIDENT ENGINEER**

The Regional Office will forward this form to the Main Office with the appropriate box checked.

To : **HIGHWAY PERMIT SECTION:**

- ☐ Refund of Deposit on this Permit is authorized.
- ☐ Return of Bond furnished for this Permit is authorized.
- ☐ Amount charged against Blanket Bond for this permit may be cancelled.
- ☐ Retain Bond for future permits.

Date \_\_\_\_\_

**REGIONAL TRAFFIC ENGINEER**

The issuing authority reserves the right to suspend or revoke this permit, at its discretion without a hearing or the necessity of showing cause, either before or during the operations authorized.

The Permittee will cause an approved copy of the application to be and remain attached hereto until all work under the permit is satisfactorily completed, in accordance with the terms of the attached application. All damaged or disturbed areas resulting from work performed pursuant to this permit will be repaired to the satisfaction of the Department of Transportation.

Upon completion of the work within the state highway right-of-way, authorized by the work permit, the person, firm, corporation, municipality, or state department agency, and his or its successors in interest, shall be for maintenance and repair of such work as set forth within the terms and conditions of the work permit.

# Board of Fire Commissioners

VAILS GATE FIRE DISTRICT

P. O. Box 173

Vails Gate, N. Y. 12584



9/7/88

Town of New Windsor  
Planning Board  
555 Union Ave.  
New Windsor, NY 12550

RE: Air Supported Structures - *Tennis Equities*

Gentlemen:

It has been brought to the attention of this Board that there are plans to convert the Wings Distribution Center, Route 9-W into a health club which may include the construction of two air supported structures over the pool and tennis courts.

Due to the inherent danger of collapse of air supported structures when the pressure is altered, it is the decision of this Board to advise you that we will not provide any interior fire protection to any air supported structures because of the extreme hazard involved to Fire Department personnel

We suggest that this action be considered when making your decisions on the proposed plans.

Very truly yours,

  
Linda Big, Clerk  
Vails Gate Fire District

cc: Supervisor George Green  
New Windsor Building Inspector

*M. E.  
Stewart  
J. L.*

TENNIS EQUITIES - RT. 9W - SITE PLAN (88-31)

Mr. Curt Beusman and Michael Cain (Phonetic) came before the Board representing this proposal.

Mr. Beusman: I am here with Mike Cain, our engineering consultant on the job and we did have a site plan visit on, I guess, September 30th around the 20th or 30th, on a Sunday. Mr. McCarville, Mr. Lander and Mr. Jones and Chairman Scheible were there along with an engineer representative to review the site and take a look at the drainage situation in back and in the front and also to review the modified entryway then drawn in by our engineering consultants. I think the plan is in final form and I hope the Board can approve it tonight. We received some comments from Mr. Edsall just tonight and we'd like to go over those with you because we think we have resolved those questions so we can talk about those with Mr. Edsall and with the Board. The highlights of the plan you know pretty well. The only change on this par-

particular plan as opposed to the previous plan is that we have located the swimming pool in back 90 degrees to take advantage of the southern exposure and we also moved the snack bar from the southerly side of that swimming pool to the easterly side so that it wouldn't shade the pool and also that it would provide for a snack area in what is called the play area between the pool and employee parking lots so people from the snack bar can walk to the grassy area and use that as a picnic area for eating and so on. That was an aesthetic change, not a significant change in terms of site plan approval. The changes that were requested by Mr. Edsall and by the Fire Commissioner have all been included in the new plan. You have got handicapped parking in the front, two spaces as required, fire access, you have fire access to the connection at the front of the building, adequate access to the front and rear for fire access to the rear property. And, I believe really that addresses the problems that came up before.

Mr. Schiefer: Has the fire issue been resolved?

Mr. Cain: As far as I know my conversation with Bobby Rogers yesterday, he has submitted a letter to the Planning Board saying the plan was acceptable.

Mr. Schiefer: Yes, we have approval from the Fire Department.

Mr. Beusman: So the question that Mr. Edsall raises on acceptability of the air structure, I assume, Mark, your question was from the fire standpoint.

Mr. Edsall: There was two different groups. There is the Fire Commissioners who were indicating that they don't want to provide coverage and the Fire Inspector who is saying it is fine. I don't know. I was just questioning whether or not there has been any.

Mr. Cain: I think we addressed that last time. Mr. Ronces indicated the final okay was under the ordinance was through the Fire Inspector for the Town.

Mr. Ronces: Yes, the Fire Commission is part of the volunteer fire service and is not approving authority.

Mr. Edsall: The Commissioners on the elected officials not the volunteers.

Mr. McCarville: The point is that they are not going to fight a fire from internally. That is what their comment was. Now, as far as I'm concerned, it is not an issue. Let them fight it from outside the building.

Mr. Schiefer: As long as Bobby Rogers approved it I can't see making an issue out of it either.

Mr. Beusman: Then, I think maybe is it all right to go down through Mark's letter.

Mr. Lander: Yes.

Mr. Cain: With regard to the drainage, Mark pointed out last time that there is off-site drainage coming onto the site. We have looked at that and what I would propose to do now--

Mr. Edsall: As we get more involved in a drainage and grading plan, do a drainage study to determine whatever impact it would have on any adjacent land owners at that point and whatever mitigation measures that would have to be taken would be done then.

Mr. Schiefer: Can we take final action before we get that, know, that we are going to have to give that drainage plan a place.

Mr. Beusman: The drainage to the site Mark, correct me if I'm wrong, down through the drainage swale to the north and there are catch basins off the road which are in place. So, I don't, is there other drainage that we have to be concerned about. Those are existing drainage facilities. This is an as-built existing with drainage.

Mr. McCarville: They are going to remove the drainage barrier. We looked at it there through the center of the property and to the rear.

Mr. Cain: There is a small berm there that has caused some ponding about where the new parking lot is proposed to be. Most of that water comes from up front off 9W and also from the trailer park.

Mr. Beusman: There is a natural waterway that exists there now but there is a berm and crest, a little dam actually the kids have built, a rock dam the kids from the trailer park come over and play. It is an attractive little sort of play area.

Mr. Jones: Get machines and knock it out.

Mr. Schiefer: The plan says it is going to be removed. Mark, what is your feeling on the drainage then?

Mr. Edsall: I get the impression that we are going to get a study somewhere along the line to indicate how much a problem it is and whether or not just removing the barrier is enough. If there has to be some other clean-up measures.

Mr. Cain: There is going to be some clean-up measures on the swale to the north that is heavily overgrown, filled with trash, bicycles, things from the bowling alley.

Mr. Edsall: I am not concerned as much with getting to the site as much as I am with once it get through what it is going to do once you clean up the path, it will make your site much greater for the availability for the development but what is it going to do for the downstream people.

Mr. Cain: I think heading back and is ponding in the back of our property and on the property behind the bowling alley. It then gets to some predetermined level and eventually works it way out through the trailer park down to the Hudson.

Mr. Beusman: There is a stream in the back of the property.

Mr. Edsall: The trailer park has had many occurrences of being flooded out also to the effect of making the sanitary systems go into failure. They have had some problems with the Orange County Health Department regarding failing some failing sanitary systems so I want to make sure that what you do makes the flow get through your site and to the ultimate of Moodna, the ultimate downstream location and doesn't have a negative effect on the adjoining owners.

Mr. Beusman: You mean to the drainage stream in the back of the property. Basically, because that is behind the trailer park.

Mr. Edsall: They get flooded out and I want to make sure when you open the flood gates as they may be that there isn't a problem downstream. That is what Mike and I had discussed about getting that information so it is part of the application. It is up to the Board as far as when they want to see that information come in if they feel it is not part of the review from this application or it is something separate.

Mr. Beusman: Why don't we table this and go to the next item. If it is something we can resolve that we can provide the drainage study and don't provide for any additional flow onto the trailer park, we can make that statement. Let's take a look at item C which is termination with regard to sanitary sewer service.

Mr. Cain: The site is not within an established sewer district. There is a sewer district on paper, sewer district #22. What we will be proposing to do is petition the Town Board for an outside users permit. We will be pumping from our site to Ceasars Lane and connecting into a new 4" use main which has been installed, goes up Ceasars Lane and dumps into a sanitary manhole at the top of the hill. That is in sewer district 9 and eventually flows to the sewer treatment plant.

Mr. McCarville: None of that is shown on the plan.

Mr. Cain: No.

Mr. Beusman: There is a sleeved channel under the road at the moment, that would be used for that forced main for the property.

Mr. Schiefer: I was going to ask you how you were going to do it.

Mr. Beusman: There is a 12", the people from Cornwall have been up here with me before that.

Mr. Edsall: That is the jacking pit that was put in for your sprinkler service. Are you going to keep it?

Mr. Beusman: We are going to take it out.

Mr. Edsall: Has it been checked that the building code will be such that you do not require a sprinkler system. You can't put both of them in the same crossing.

Mr. Beusman: It is my understanding that the sprinkler system was put in there for insurance purposes by the existing owner because of the warehouse use of the property and the fact that he had very expensive equipment in there. His rates were high and he sprinklered the building. It is an encumbrance for us because of the pipes that kill our headroom so we may well remove that. We don't need the sprinkler. There is no reason for us to need the sprinkler within the insurance or safety requirements or any of the structural needs of the building. I don't think the codes require it because the building was not sprinklered in its previous use as a fitness and racket club.

Mr. Babcock: You have some changes in code from the previous use and I'd say with a 45,000 square foot building, without different fire areas of sections of fire areas. I don't know off hand. I'd have to check the book but I would say with a--

Mr. Beusman: It is State code?

Mr. Babcock: Yes.

Mr. Beusman: Based on our experience in Mount Kisco, we do have to accommodate to various fire zones and we do with the interior spaces will show fire walls, adequate access and fire egress and designated fire zones but we don't have sprinklers in Mount Kisco and we conformed to the code there if it is the same New York State code, these large building areas, these tennis building areas fall under a different occupancy code. They are not public accommodations basically a gymnasium. They are a different code. I can't remember what the exact designation is but you just need fire doors out of them and you need fire walls between those and the public areas, there's public areas in the center of the building.

Mr. Schiefer: You are going to look into it Mike?

Mr. Babcock: Unless I know the size of the public areas, I won't be able to tell. It is the fire area that determines it.

Mr. Beusman: Do you need an interior building design to approve a site plan. I didn't realize that you needed that.

Mr. Babcock: The thing is, is that what has got us here as far as the comments that we are making is that depending on the fire area is going to depend on whether you are going to need a sprinkler system or not so we want to make sure that if--

Mr. Beusman: Well, we will designate the fire areas so we won't need a sprinkler system. We have not been required to have a sprinkler system in Mount Kisco. We have used fire shutters on some windows.

Mr. Babcock: When did you build Mount Kisco?

Mr. Beusman: '72 but we had added on in '82 which required the fire shutters. If you have a big viewing window like that looking out onto a tennis court, in order to make that a fire rated wall, we have

to mount fire shutters. We had to do that. If necessary, we'd live with it. The sprinklers are a disadvantage to us. I'd like to get rid of them. Not only that, this is a dry system and the dump valves, the valves are huge valves because the system doesn't have water sitting in it. The way it is designed, it would flood instantly in the event of fire. They have got great big pipes and three automated valves on a sensor of some kind. I'd like to eliminate those.

Mr. Babcock: It seems to me he is experiencing, in this big building, I know the codes have changed but if he is willing to say that he is going to build his building with interior walls so it is not going to need a sprinkler system that is all we can go by now and we will prove it when we get his building plans.

Mr. Beusman: Yes, we have used fire rated materials throughout our building all the way through up to the roof and so on.

Mr. Babcock: The only other question I have on that was that Jim made a statement that this was not in the sewer district.

Mr. Cain: No, technically it is not in an established sewer district.

Mr. Babcock: You are considering connecting into a sewer district?

Mr. Cain: We will be pumping over into a manhole that is in sewer district 9 so we will be petitioning the Town Board for an outside users permit.

Mr. Babcock: Has that been done?

Mr. Cain: No.

Mr. McCarville: Currently, septic?

Mr. Cain: Yes.

Mr. Beusman: The septic system, the front portion, there is a septic field to the rear and there is one that has been paved over in the front which I am certain isn't according to code so we don't consider that a septic system, an adequate solution. I would suggest that if the Board wants to make a condition of approval that we obtain from the Town Board the access to the sewer district and into the hook-up and that serves the trailer park, crosses the street, we'd accept that condition on the plan on the approval. It is a little bit of a Catch 22. I am not certain we can go to the Town Board without having your sort of review of the plan and conditional approval. I just don't know about that. Joe, can we go to the Town Board?

Mr. Roness: You might but I am sure the Town Board would want to know that the Planning Board had approved the plan.

Mr. Beusman: We would accept that as a conditional approval and take our chances at the Town Board.



Mr. Ronces: You can make the site plan approval conditioned on their ability to hook into the sewer district. If they are not able to do that, they'd have to come back here with a different site plan or a different plan at least.

Mr. Beusman: We'd have to provide a septic system of some kind. We have adequate land for septic system. It is just that it is not an appropriate solution for this use.

Mr. Schiefer: How does the Board feel. There are other things pending here. It is not just that.

Mr. Lander: I think that the plan, that the way it stands now, is not too bad but I think we have to address the drainage. We have to know whether or not we are going to need sprinkler systems. There's too many things to give a subject to. As it stands right now the way the site plan looks, I have no problem with it but the sprinkler system, we don't know if we need one. The drainage, our engineer asked for a drainage study. So, I don't know how we can go ahead with this but I am only one member of the Board.

Mr. McCarville: I agree with you.

Mr. Beusman: I think the bulk requirement is on the plan if I am not mistaken in the notes. The coverage in building sizes and so on I think are listed. Is that appropriate?

Mr. Edsall: Bulk tables have front yard, side yard setback, all the floor area ratio, development coverage, all those things would have to be on to demonstrate that you don't need any variances.

Mr. Beusman: Even though this is an existing building.

Mr. Edsall: You have an existing building that has a significant expansion to coverage.

Mr. Beusman: So, notes 10 through 15 are not adequate is what you are suggesting for a bulk.

Mr. Edsall: They do provide useful information but the Town of New Windsor has a complete bulk table that if you don't comply with that particular bulk table, you'd have to get a variance. We want this plan to be selfstanding that it would demonstrate you don't need any variances.

Mr. Schiefer: That is just one more thing.

Mr. Edsall: Which leads us to the more interesting conversation which I'd like to, I'd like the Board to make a decision on is what bulk table use applies since you have two zones and this use. The Board is going to have to decide what is the portion of the bulk table that applies to this application.

Mr. McCarville: My opinion, it would NC.

Mr. Schiefer: I think NC. What about the rest of the Board.

Mr. Jones: NC.

Mr. Lander: NC.

Mr. Cain: Everything except the back tennis courts are in the NC zone.

Mr. Schiefer: So, you can resolve it by saying it is all NC.

Mr. Beusman: I think NC is appropriate zoning. We are combination, we are not a membership club. We are not under the State Tax Law or any other consideration. We are a business, just like the bowling alley and the gas station service establishment.

Mr. Schiefer: Are there any other concerns.

Mr. Rones: You have got personal services and a business office and services establishment.

Mr. Edsall: I have no objection, whatever the Board feels appropriate.

Mr. Schiefer: Does anybody has an objection to using the NC requirements for the entire plot.

Mr. Rones: What Mark is wondering is is there any question in anybody's mind that this is a service business.

Mr. McCarville: No.

Mr. Beusman: Didn't the original, isn't there a variance for that use on this property. When they originally built this building, they got a variance from the--

Mr. Edsall: I am not aware of that. They might have gotten a variance but--

Mr. Rones: I don't believe we have seen any variance except for the warehouse use when it was changed from a tennis courts to warehouse use. It needed a variance to make it a warehouse.

Mr. Jones: It was a tennis court before.

Mr. Edsall: If there is an appropriate use that the Board agrees upon that doesn't require a variance, that is not a problem. I just want to have the Board's decision reflected on the plan.

Mr. Beusman: Our situation is that we will probably call ourselves a club but under State Law, we went through a taxation fight in the late 70's for business like this and the State tried to tax us as though we were a membership club comparable to a privately owned country club or like the New York Athletic Club that had restricted covenants in the membership and those clubs are taxed differently from businesses. The State Legislature put all these kinds of multi

sport clubs into the catagories of business exactly the same as bowling alleys. We pay State Taxes on food that we sell, clothing but we don't pay taxes on any other membership fees as membership clubs do as the privately owned membership clubs do. So, we are really just a business and we are a regular corporation in New York State and in the Federal Government and stockholders and a business, no different than the bowling alley.

Mr. Schiefer: I don't think anybody has any objection to treating it as a service establishment.

Mr. Edsall: What number is that?

Mr. Rones: That is number 10, A10.

Mr. Schiefer: We'd like to see the setbacks and things like that put on the map. If that were the only thing holding it up, no, but things are starting to accumulated.

Mr. Rones: There is a 10,000 square foot minimum lot area so you have got more than that. 100 foot minimum lot width seems to exceed that by a great deal, 40 foot minimum front yard depth, you have more than 40 foot. Side yards, 15 feet and 35 feet but 35 would be the combination, the total of both side yards. I think you have a minimum of 15, you are okay. The rear yard depth is required to be 15 feet. Maximum building height 35 feet. The floor area ratio, one development coverage not applicable and off street parking, outdoor recreation one for five persons.

Mr. Schiefer: I am sure you meet those requirements for the setbacks but I'd like to see them put on the map. We are not going to approve this anyway. There is to many other things.

Mr. Beusman: Is there, well, the problem that we have as the contract vendee of the property is that our seller's are very anxious to know whether they are going to close. They have to move their materials out of the warehouse. We are already a month behind on the latest date we could conceive of for the approval. I am wondering if there is a way that the Board can provide a contingent approval. I know it is more difficult for you to do that because it requires phrasing the motion in a particularly careful way but I'd certainly be back in two weeks with the modifications on the plan but I have a very upset seller at the moment. As you can understand, he has cancelled IBM contracts and what he said, if there is any chance you are not going to get approval, you have to let me know.

Mr. Schiefer: I see nothing negative. I see no problem with it.

Mr. McCarville: We are now in our own Catch 22 here because under this, we haven't taken SEQOR position and if we do a negative declaration, how do we know the drainage is adequate and it, I don't think as conceptually I have no problem with the plan. I think it is a very nice plan but I just think for some reason, the Town Board was not to approve that septic and then we have alot of water back here,

you'd have to consider drainage or septic alternatives there. So, that drainage, I am more concerned about that.

Mr. Schiefer: I think that is the main concern.

Mr. Beusman: One of the solutions we could offer in the septic if the Town Board did not allow us to hook-up to the sewer which I hope they do, the outdoor tennis courts, we conceived of doing those as a hard-top court as a hard surface asphalt court. We could convert those and not use asphalt but use Fast-Dry which is an organic material like clay, porous and we could put the septic field under there so that you could access them in the event of servicing that was required and that is a big area.

Mr. McCarville: What I'd like to do is make a motion to take lead agency. The Planning Board takes lead agency position and then wait until we see this drainage thing before we declare either a negative or a positive declaration. That is a motion.

Mr. Pagano: I will second it.

Mr. McCarville: That is under the SEQR process where we take somebody either that is interested in a project either us or adjoining state organizations or whatever, if you wanted to really get in trouble, we can pass lead agency to the people here, the Preservation Group.

Mr. Pagano: I will second that motion.

ROLL CALL:

MR. MC CARVILLE	AYE
MR. LANDER	AYE
MR. PAGANO	AYE
MR. JONES	AYE
MR. SCHIEFER	AYE

Mr. Schiefer: I think the best thing to do is have these people go back and work with you on the drainage issue.

Mr. Edsall: Yes, Joe just brought up a good point that in the interim, we should get a copy of this out to the Orange County Planning Department. Have you been to the DOT about the modifications to the entrance.

Mr. Cain: Not yet. They will not look at anything until we have some type of an approval from the Planning Board.

Mr. Edsall: There is no such thing. There is no interim approvals. If the Board desires, we can send a letter that there is conceptual endorsement of the plan.

Mr. Schiefer: I don't think we have any problem judging by the thinking around the Board to give conceptual approval.

Mr. Rones: In fact, we have done that before.

Mr. Beusman: That sounds good to me. I like conceptual approvals.

Mr. Schiefer: It gives you something else to offer the Planning Board as favorable. There is some details that have to be worked out but the basic concept is favorable. You wouldn't get conceptual approval without that obviously.

Mr. Jones: Have they made a full study of the drainage.

Mr. Cain: No, not yet.

Mr. Schiefer: That is a number one issue that has to be worked out before we get final approval.

Mr. Beusman: I'd charge our engineering firm to do that and I would make every effort to be back in two weeks with the drainage study in place. Let me just summarize for myself the things that we need to get on the plan. One, the drainage study that is the main thing, isn't it. Two, you can give approval conditional on the Town Board's allowing us to tie into the sanitary sewer which I think would allow us to go to the Town Board and make our case. We'd take our chances there. We think that is a pretty good bet. And, I guess, the zoning, you have got NC and then the bulk table comes, the bulk requirements delineated on the plan as well as the setbacks and let's talk quickly about the sprinkler. It seems that the sprinkler something that almost Mike and I have to resolve.

Mr. Schiefer: If Mike is satisfied with that, I have no problems with it.

Mr. Beusman: I would opt not to have the sprinkler. It is just for us, just more trouble than it is worth and I'd like to rip it out.

Mr. Jones: On the NC table, you were reading on the parking one for five.

Mr. Schiefer: I think you can resolve that with Mike if you resolved it to Mike's satisfaction the Board has no problem.

Mr. McCarville: I just, I think we have to do one of two things. I just don't like the conceptual approval because it uses the word approval and I think we would, what we should do is button-up what our differences are here and our problems and if we are going to do anything, it should be subject to. I know how we all feel about subject to's but it is no different than giving a conceptual approval. It is got to be subject to and all the five or six items that we listed.

Mr. Schiefer: If the Board has no problem with it.

Mr. McCarville: I think we are safer there.

Mr. Schiefer: I'd rather do that than back down.

Mr. Beusman: I'm happy to come back and try to get the ducks in a row if you can do a conceptual endorsement I think that would be fine. We

need to address the problem with the entryway with the DOT as quickly as possible.

Mr. Schiefer: Does anyone have an objection to conceptual endorsements so they can go to the DOT. It means nothing to us, legally.

Mr. Ronces: It means that you won't be requiring any major changes to the site plan. If you are telling him that the site plan he is presenting is fine in concept subject to the items that you have mentioned namely drainage, bulk table.

Mr. McCarville: Why are we beating around the bush. Why don't we call it what it is. It is a subject to. You can give it fancy terms, you can dress it up but it is still subject to, isn't that right Tippy.

Mr. Jones: Yes, because all these things have to be answered.

Mr. McCarville: We have done a subject to with minor, this is major, whenever subject to, it buttons it up. It says this and this and this must be addressed and you put your items down.

Mr. Schiefer: I know the opinion of this side, what about you two gentlemen. Would you give final approval subject to five items.

Mr. Jones: No.

Mr. Pagano: I would make what we are saying subject to with five items. They are not getting final to. They have to come back subject to the five items and plus any others that may become visible.

Mr. Jones: I will buy that.

Mr. McCarville: I make a motion that the Planning Board of the Town of New Windsor declare a negative declaration with regard to Tennis Equities Site Plan conditional upon the satisfactory resolution of the drainage issues.

Mr. Lander: I will second that motion.

ROLL CALL:

MR. MC CARVILLE	AYE
MR. LANDER	AYE
MR. PAGANO	AYE
MR. JONES	AYE
MR. SCHIEFER	AYE

Mr. McCarville: I make the motion that the Town of New Windsor Planning Board give final approval to Tennis Equities Site Plan subject to the following items. Number one, resolution of the drainage, tying into the sewer district 9 with appropriate approvals from the Town Board, Department of Transportation approval of the modifications of the curb cut, determination of the sprinkler is required which could effect the septic and the bulk regulations appearing

on the plan. Also, that the plan is to be sent to Orange County Planning for their approval. This approval is subject to any other conditions that may come up at a later date.

Mr. Pagano: I will second that motion.

ROLL CALL:

MR. MC CARVILLE     AYE

Mr. Lander: Don't forget that until all these things are changed, he doesn't get the plans stamped.

Mr. Beusman: I know that.

MR. LANDER             AYE

MR. PAGANO             AYE

MR. JONES              AYE

MR. SCHIEFER           NO

Mr. Beusman: My question is related to the condition that Mr. McCarville put on about approval from the Department of Transportation on the entrance way. I just am concerned about the time loop there.

Mr. Edsall: That doesn't mean you have to have your permit. It merely means that the local office has to indicate that they have no problem and you will have to get a permit.

Mr. Jones: I make a motion that the Planning Board of the Town of New Windsor waive the public hearing with regard to Tennis Equities Site Plan.

Mr. McCarville: I will second that motion.

ROLL CALL:

MR. MC CARVILLE     AYE

MR. LANDER             AYE

MR. PAGANO             AYE

MR. JONES              AYE

MR. SCHIEFER           AYE

TENNIS EQUITIES

Mr. Edsall: We have a letter which I will circulate from Saw Mill Sports Management, Tennis Equities, Route 9W, basically, to make a long story short, they are making two requests. The first one is basically a request to allow them to proceed with site grading and clearing since they have been very successful in complying with a majority of the requirements, I would say that the biggest hitch still is the sewer system. We are attempting to correct not only their problem but possibly get the mobile home park, Paradise Park tied in, the Bowling Time tied in and set it up that Lafayette Drive can be picked up since Lafayette Drive which is part of sewer district 2 which has no pipes in the ground, so they would be able to, in the future, create an overall system. So far, it doesn't appear to look very positive. We don't seem to have much interest from Paradise Mobile Home Park or the people from Bowling Time so what he is requesting while we are continuing to try and solve that problem, that he be permitted to go ahead and clear in the back and get things shaped up.

Mr. VanLeeuwen: I have no problem with that.

Mr. Soukup: I haven't seen the plan. The only concern I have anything to be preserved as a buffer, should be marked or identified.

Mr. McCarville: There is 500 acres of buffer behind it.

Mr. Lander: I have no problem with it either.

Mr. VanLeeuwen: Trees along Paradise Trailer Park should be left there.

Mr. McCarville: I think we ought to know exactly what they are clearing. I am not going to sit here tonight without a piece of paper telling me what they are going to clear and come up against another situation like we came with Route 32 and it is the same time we were all going to be in New York, what happened last year when we were down there, what happened about 20 acres were cut down. I think we ought to have something from these people, specifically, what they want to remove.

Mr. Babcock: The estimate on that damage was \$50,000.

Mr. Edsall: If the clearing was restricted to those areas where the buildings are proposed and the parking lots are proposed, obviously, the Planning Board approved the buildings and the parking lots. We know that theoretically that the buildings shouldn't have trees nor the parking lots.

Mr. Soukup: Those should be verified with you and you should be the responsible party. It should be staked out and you and Mike should see it before the stuff starts.

Mr. McCarville: I don't want to see a temporary septic system.



Mr. Edsall: With regard to the sewer, we have tried very hard to get it to move correctly. It is a difficult thing.

Mr. Lander: Do we need a bond on this, on the improvements. We have talked about the clearing and to have it staked out, verified by Mike and Mark. Should we have a bond put up just in case this whole thing falls through the floor.

Mr. Babcock: This project has been approved subject to six different items.

Mr. Edsall: Would you object to the same procedure as Liberty Meadows. It is a very small site, only one acre.

Mr. Curtis Beusman: Clear the four tennis courts and the parking lot. This is a site plan you did approve and you can see the parking lot is exactly the same size. We have some beautiful trees we want to save those. In fact, we located the courts and the parking lot to save some very big beautiful trees. We have no reason to clear any of this land except for what we want.

Mr. Edsall: I think what we will do is if the Board has no problem, we will do what we did with Liberty Meadows, create a site restoration bond and we will work that out with the comptroller.

Mr. McCarville: As long as it is restricted to the developed area, I have no problem.

Mr. Pagano: The question right now is do we need a motion with a vote.

Mr. McCarville: I make a motion that we give Michael Babcock and Mark Edsall the authorization to work with the developer on clearing the land with regard to Tennis-Equities.

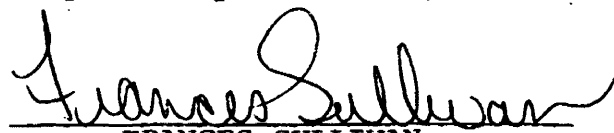
Mr. VanLeeuwen: I will second that motion.

#### ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Lander	Aye
Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. McCarville	Aye

Being that there was no further business to come before the Board a motion was made to adjourn the meeting by Mr. VanLeeuwen seconded by Mr. McCarville and approved by the Board.

Respectfully Submitted,

  
FRANCES SULLIVAN  
STENOGRAPHER



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9 February 1989

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Licensed in New York,  
New Jersey and Pennsylvania

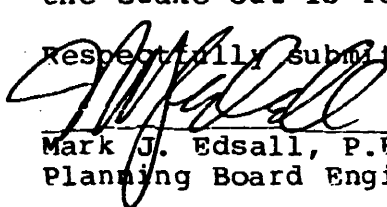
MEMORANDUM FOR RECORD

SUBJECT: TENNIS EQUITIES (~~788-314~~);  
SITE CLEARING AND GRADING REQUEST

As will be indicated in the minutes of the Regular Planning Board Meeting held on 8 February 1989, the Applicant for the subject project was granted approval by the Planning Board to proceed with limited clearing, grubbing and grading at the subject site. The restrictions are such that such activity can only occur within the proposed building area and proposed pavement areas. All buffer trees between this site and the mobile home park are to be retained. In addition, larger trees should be identified and preserved as possible. The condition was also imposed that a stake-out be made of the proposed clearing area, in compliance with the conditionally approved site plan, and same be verified by Michael Babcock and the undersigned.

Upon leaving the meeting, I had a verbal discussion with Curt Beusman, the Principal of Tennis Equities, wherein the question of who should stake-out the clearing area was raised. I advised Mr. Beusman that the stake-out must be by the design professionals who prepared the plan. He indicated he would do so and contact myself and Mike once the stake-out is ready for review.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEemj

cc: Carl Scheifer, Planning Board Chairman ✓  
Michael Babcock, Building Inspector  
Curt Beusman, Tennis Equities



# SAW MILL SPORTS MANAGEMENT CORPORATION

KENSICO DRIVE

MOUNT KISCO, NY 10549

914-241-0797

February 3, 1989

Mr. Carl Scheifer, Chairman  
Town of New Windsor Planning Board  
Town Hall  
555 Union Avenue  
New Windsor, NY 12550

Dear Mr. Scheifer:

RE: Hudson Valley Club

We respectfully request that the Planning Board authorize the Building Inspector to issue a clearing and site grading permit and to allow interior modifications on our property on Rte. 9W. With the exception of a final resolution of the sewer question, we have complied with all the conditions required by your board pursuant to our final site plan approval granted on October 25, 1988.

As you recall, final site plan approval was contingent on six items:

1. Resolution of the rear site drainage
2. NYSDOT approval of the curb cut and entry changes
3. Resolution of the sprinkler question
4. Requirement that the bulk regulations appear specifically on the plan
5. That Orange County Planning approval be granted
6. Tying into the town sewer with Town Board approval.

We have submitted all the pertinent documents to Mark Edsall on the first five items and have complied with the requirements.

On the sewer tie-in, we have met twice with Supervisor George Green, Attorney J. Tad Seaman and Mark Edsall along with Mike Cain, our engineer. This group is attempting to provide the town (at no cost to the town) with a pump station via an easement on our property that would serve our club's needs along with Paradise Trailer Park and Bowling Time Lanes. We have been active and diligent in trying to meet these goals, filing for permits with NYSDOT, digging test pits, reviewing septic plans, etc. Tad Seaman has requested a meeting with the neighbors for the week of February 6th.

Mr. Carl Scheifer

February 3, 1989

As of now, we are filing for another NYSDOT permit to bore and jack a sleeve under 9W to accomodate a sewage force main from the new pump station. This process is likely to take 10-12 weeks based on our most recent experience with NYSDOT permits. In addition, we may well have time delays in obtaining the full cooperation of the neighbors. In other words, our fate and timetable is essentially out of our hands, and we find ourselves in a Catch-22 situation. All these factors mean added delays in starting site clearing and interior renovation work, which is costly and, because of the seasonal signup patterns of indoor tennis players, means we could lose the entire 1989-90 indoor tennis season. This is a real possibility if we are forced to wait until all the agreements are dotted and signed before we can start site and renovation work. That could be disasterous for our business.

I feel that the Town of New Windsor officials know that we will bend over backwards to resolve the sewer question. We have been cooperating patiently. We fully agree that a sewer hookup for everyone is very desirable and have even offered a "good faith" bond if that would help expedite the situation. We should also all remember that Hudson Valley Club cannot begin operations until a Certificate of Occupancy is issued, and that the CO will only be forthcoming if the sewer is in place. What we now ask is to be allowed to start site work and, if possible, interior modifications, so that our goal of a September, 1989 opening as least becomes a possibility.

Thank you for your consideration.

Your in good health,

  
Curtis Beusman  
President



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

copy

January 31, 1989

PARADISE PARK, INC.  
c/o Mannix Associates  
26 Turner Road  
Pearl River, N. Y. 10965

Attn: Mr. G. Kenneth Mannix

RE: PROPOSAL FOR SANITARY SEWER FACILITIES-AREA OF ROUTE 9W

Dear Sir:

The Town of New Windsor has determined that your property is being serviced with inadequate sanitary sewer facilities. In an attempt to try to resolve your problems and develop a sanitary sewer system that can be dedicated to the Town of New Windsor, the town would like to have a meeting in the very near future with you and the other parties that are involved with the proposed project.

In order to avoid any potential problems with Orange County Board of Health, New York State Department of Environmental Conservation and the Town Sanitary Inspector, I request that you immediately contact the Supervisor's office at (914) 565-8800 to discuss your availability for a meeting during the week of February 6 through 10, 1989. I believe the town has a proposal that will resolve your problems and be economical for each of the parties involved.

I look forward to your participation and cooperation in carrying this project through completion.

Very truly yours,

*J. Tad Seaman*

MC GUIRK, LEVINSON, ZECCOLA,  
SEAMAN, REINEKE & ORNSTEIN P. C.  
By: J. Tad Seaman

JTS/PAB

cc: Town Board Members  
Engineer for Town, Mark Edsall, P.E.  
Sanitation Inspector Masten

(TA DAILYDISK#16-013189.SIA)



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

*CR4*

January 31, 1989

1763

BCA BOWLING-NEWBURGH, INC.  
P. O. Box 74  
Garden City, N. Y. 11530

Attn: Mr. John Sillcox

RE: PROPOSAL FOR SANITARY SEWER FACILITIES-AREA OF ROUTE 9W

Dear Sir:

The Town of New Windsor has determined that your property is being serviced with inadequate sanitary sewer facilities. In an attempt to try to resolve your problems and develop a sanitary sewer system that can be dedicated to the Town of New Windsor, the town would like to have a meeting in the very near future with you and the other parties that are involved with the proposed project.

In order to avoid any potential problems with Orange County Board of Health, New York State Department of Environmental Conservation and the Town Sanitary Inspector, I request that you immediately contact the Supervisor's office at (914) 565-8800 to discuss your availability for a meeting during the week of February 6 through 10, 1989. I believe the town has a proposal that will resolve your problems and be economical for each of the parties involved.

I look forward to your participation and cooperation in carrying this project through completion.

Very truly yours,

*J. Tad Seaman* <sup>PAB</sup>  
MC GUIRK, LEVINSON, ZECCOLA,  
SEAMAN, REINEKE & ORNSTEIN P. C.  
By: J. Tad Seaman

JTS/PAB

cc: Town Board Members  
Engineer for Town, Mark Edsall, P.E.  
Sanitation Inspector Masten

(TA DAILYDISK#16-013189.SIA)



Louis Holmbeck  
County Executive

Department of Planning  
& Development

124 Main Street  
Goshen, New York 10924  
(914) 294-5151

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT  
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor Planning Board D P & D Reference No. NWT 47-88 M  
County I.D. No. 37 / 1 / 16.2

Applicant Saw Mill Sports Management Corp.

Proposed Action: Tennis Equities Club SITE PLAN- Route 9W

State, County, Inter-Municipal Basis for 239 Review within 500 feet of 9W

Comments: No major planning issues or problems that need to be brought to your attention.

Related Reviews and Permits \_\_\_\_\_

County Action: Local Determination \_\_\_\_\_ Disapproved \_\_\_\_\_ Approved XXXXXXXXXXXX

Approved subject to the following modifications and/or conditions: \_\_\_\_\_

Nov 28, 1988  
Date

Peter Garrison  
Commissioner

AS OF: 11/14/88

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD  
TASK: 88- 31

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
										EXP.	BILLED	BALANCE
88-31	19278	08/09/88	TIME	MJE	MC	TENNIS EQ.	40.00	0.50	20.00			
88-31	20313	08/19/88	TIME	MJE	MC	TENNIS EQ	40.00	0.30	12.00			
88-31	20220	08/27/88	TIME	MJE	MC	TENNIS EQUIP	40.00	0.50	20.00			
88-31	21083	09/13/88	TIME	MJE	MC	TENNIS EQUIP	40.00	0.50	20.00			
88-31	22100	09/21/88	TIME	MJE	MC	TENNIS EQUIP	40.00	0.50	20.00			
88-31	22105	09/25/88	TIME	MJE	MC	TENNIS EQUIP	40.00	0.50	20.00			
98-31	23598	09/27/88	TIME	NJE	CL	TENNIS EQUITIES	17.00	0.50	8.50			
98-31	22554	09/28/88	TIME	MJE	MC	TENNIS EQ	40.00	0.30	12.00			
88-31	23676	10/18/88	TIME	MJE	MC	TENNIS EQUITIES	40.00	0.50	20.00			
88-31	23946	10/25/88	TIME	MJE	MC	TENNIS EQ	40.00	0.50	20.00			
88-31	24516	10/25/88	TIME	EJ	CL	TENNIS EQ PB COMM	17.00	0.50	8.50			
88-31	24531	10/26/88	TIME	EJ	CL	TENNIS EQ PB COMM	17.00	0.20	3.40			
TASK TOTAL									184.40	0.00	0.00	184.40
GRAND TOTAL									184.40	0.00	0.00	184.40

*Additional bill to follow*



INTER-OFFICE CORRESPONDENCE

TO: TOWN SUPERVISOR GREEN  
COUNCILMAN HEFT  
COUNCILWOMAN FIEDELHOLTZ  
COUNCILMAN SPIGNARDO  
COUNCILWOMAN SIANO  
ENGINEER FOR TOWN MC GOEY  
~~TOWN PLANNING BOARD~~

FROM: ATTORNEY FOR TOWN SEAMAN

SUBJECT: TENNIS EQUITIES - RT 9W

DATE: November 9, 1988

I have reviewed a letter from Kartiganer Consulting Engineers dated October 31, 1988 regarding TENNIS EQUITIES, Route 9W, and in particular their request for an outside users permit.

I would like to recommend to the town that they authorize the Engineers for the Town to develop a map, plan and study for the area to the east of Route 9W and develop a Sewer Improvement Area (Article 12C of the Town Law) to service Lafayette Drive, the bowling alley, tennis court, mobile home park, Yonnone's Garage and the Washburn property. This area has suffered for many years with inadequate sewage disposal facilities and this would be a good opportunity to resolve the problem. I would also suggest that this matter be discussed at the workshop session of November 14, 1988 and the resolution authorizing the engineers to perform the study be authorized on November 16, 1988. Perhaps in an immediate review by the engineers could designate an area for the tennis center to install their pump station so that it is in a better location to ultimately service the balance of the area.

J. Tad Seaman

JTS/PAB

BUILDING INSPECTOR, P.D. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H.

O.C.P. WATER, SEWER, HIGHWAY REVIEW FORM:

D. P. W.

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by  
Geo. F. Henschel Jr. for the building or  
subdivision of Tennis Equities has been  
reviewed by me and is approved ✓  
~~disapproved~~ \_\_\_\_\_.

~~If disapproved, please list reason.~~

Water is servicing this prop.  
call water Dept. for location.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Gene D. Du  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

BUILDING INSPECTOR, P.D. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H. O.C.P.  
WATER, SEWER, HIGHWAY REVIEW FORM: D. P. W.

The maps and plans for the Site Approval ✓  
Subdivision \_\_\_\_\_ as submitted by  
George F. Henschel for the building or subdivision of  
Tennis Equities has been  
reviewed by me and is approved \_\_\_\_\_  
disapproved \_\_\_\_\_.

If disapproved; please list reason.

*No information regarding Septic waste disposal system*

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

*[Signature]*  
SANITARY SUPERINTENDENT

*October 19, 1988*  
DATE

**SAW MILL SPORTS MANAGEMENT CORPORATION**

KENSICO DRIVE

MOUNT KISCO, NY 10549

914-241-0797

October 6, 1988

Henry Scheibel  
Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12550

Dear Henry:

Thank you for taking the time to make the site visit to our proposed tennis and health club on Route 9W last Sunday morning. I felt we had a good review of the site and have resolved the major problems associated with obtaining an approval for the project.

We recognize that there is a remaining question on the Use Permit. I haven't heard yet whether there is an existing Use Permit for the site that would cover our facility. If not, I assume that we could go to the Zoning Board of Appeals to obtain such a permit and that the Planning Board, if you find favorably on the site, would support us in the ZBA procedure.

At any rate, please consider this an official request to be placed on the agenda for the meeting on Wednesday, October 12th. At that time, we will submit a final site plan showing the relocation of the snack bar to the northeasterly corner of the swimming pool. We will also incorporate handicapped parking spaces in front as required.

We look forward to seeing the Board on Wednesday, October 12th.

Yours in good health,

Curt Beusman

CB:ai

cc: Messrs. George Henschel  
Michael Babcock  
Mark Edsall



**SAW MILL SPORTS MANAGEMENT CORPORATION**

KENSICO DRIVE

MOUNT KISCO, NY 10549

914-241-0797

*Tennis Equities 88-31*

September 13, 1988

Henry Scheibel  
Chairman  
New Windsor Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12550

Re: Tennis Equities Site Plan - 9W Site

Dear Henry:

We have incorporated the comments made by the Planning Board at the August 10th pre-submission meeting on our proposed health and fitness facility on Route 9W. The enclosed drawings reflect the inputs of Mark Edsall and Bob Rogers, working with Mike Cain, our Site Engineering Consultant.

We are ready for a final site review and ask that we be placed on agenda for the September 28th Planning Board meeting. We feel the site plan is a good one, and hope that the Board can approve it at that meeting.

Very truly yours,

Curtis C. Beusman

CCB:ai

cc: Messrs. Mark Edsall  
Michael Babcock  
Joe Rones

NEW WINDSOR ZONING BOARD OF APPEALS  
Summer Session  
August 8, 1987

(ZBA DISK#4-080888.MIN)

MEMBERS PRESENT: JAMES NUGENT, V. CHAIRMAN  
JOSEPH M. SKOPIN, V.C.  
RICHARD FENWICK  
LAWRENCE TORLEY

MEMBERS ABSENT: DANIEL P. KONKOL  
JACK BABCOCK  
VINCENT BIVONA

ALSO PRESENT: PATRICIA A. BARNHART,  
Secretary

The August 8, 1988 session of the Zoning Board of Appeals was called to order by Chairman James Nugent at 7:30 p.m. Roll call was taken by Secretary.

Motion followed by Richard Fenwick, seconded by Lawrence Torley, to accept minutes of the June 27, 1988 meeting as written. ROLL CALL: 4-0.

\* \* \*

PRELIMINARY MEETING:

HUSTED, ROBERT - Request for 10 ft. rear yard variance to construct deck at 7 Garden Drive in R-4 zone.

Mr. Husted stated that he proposes to replace his old deck which is 10 ft. x 7 ft. with a 12.6 ft. x 32 ft. deck. There is no pool proposed. Mr. Fenwick requested photographs of the old deck and the rear of the property.

After reviewing plans for proposed structure, motion was made by Joseph M. Skopin, seconded by Richard Fenwick, to schedule a public hearing on the return of the completed paperwork. ROLL CALL: 4-0.

\* \* \*

PRELIMINARY MEETING:

PALKO, ANDREW - Request for 4,290 s.f. area and 7 ft. rear yard variance to construct single family dwelling on Vascello Road in R-4 zone.

Mr. Palko offered a photocopy of the tax map which depicted his unimproved lot as a corner lot having 3 frontyards, fronting on Chestnut Lane. There is town sewer but no water services to this lot.

Mr. Fenwick requested photographs of the area and scale drawing of the lot with dimensions of the house.

After discussion, motion was made by Lawrence Torley, seconded by Richard Fenwick, to schedule a public hearing on the return of the completed paperwork. ROLL CALL: 4-0.

\* \* \*

PRELIMINARY MEETING:

OLIVO, JOSEPH/WHISS, CYNTHIA - Request for 15 ft. rearyard variance to construct deck at 108 Creamery Drive in an R-4 zone.

Mr. Olivo explained that there is an existing pool and a deck in his rearyard. He proposes to construct two more levels of decking, resulting in a tri-level deck.

Upon review of the notice of denial and the plot plan submitted by Mr. Olivo, Mr. Fenwick suggested that a 20 ft. rear yard variance be sought instead of a 15 ft.

Motion was then made to this effect by Richard Fenwick, seconded by Lawrence Torley, to schedule a public hearing on the return of the completed paperwork based on the 20 ft. rearyard requirement. ROLL CALL: 4-0.

\* \* \*

PRELIMINARY MEETING:

BLOOMING GROVE TPK. ASSOCS. - Request for area variances for renovation of medical offices located at 833 Blooming Grove Tpk. i.e. 19 ft. front yard, 15 ft. side yard, 18 ft. rear yard and 12 1/2 ft. building height. Matter referred to ZBA by Planning Board for use and area variances. Present: George F. Stradar, Esq. and Dr. Allen Kroe.

Mr. Stradar presented a site plan depicting the proposed renovation area and stated that there will be no outside structural changes to Dr. Allyn's former residence. Mr. Stradar stated that he had been to the Planning Board for site plan approval previously. Mr. Stradar stated that the property had been granted a use variance for professional offices by the Zoning Board of Appeals under date of 11/26/79-#79-19 when application was made by former owner Anthony Sinisgalli. Therefore, he felt that the use is permitted since the variance runs with the land.

Mr. Fenwick requested that the Secretary forward a memorandum to the Building Inspector requesting copies of all building permits for each structure together with a memorandum to the Planning Board enclosing a copy of the formal decision dated 11/26/79 advising them that a use variance is not required.

Motion was made to this effect by Richard Fenwick, seconded by Lawrence Torley, to schedule a public hearing upon the return of the completed paperwork and that all documentation requested in the previous paragraph be presented at said public hearing. ROLL CALL: 4-0.

\*

\*

\*

Fred Rabinowe, Esq. was present at the ZBA meeting and informed the ZBA that he was interested in the position of attorney for Board. Rabinowe was in at the meeting and was interviewed by the members present. Chairman James Nugent thanked Mr. Rabinowe for his interest and stated that the Board would be in contact with him.

\*

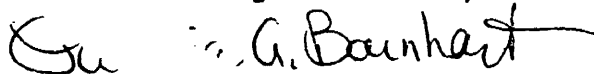
\*

\*

Since there was no other business to be conducted by the ZBA, motion was made by Joe M. Skopin, seconded by Lawrence Torley, to adjourn.

Motion carried, all ayes. Meeting adjourned.

Respectfully submitted,



PATRICIA A. BARNHART, Secretary



*Planning Board*

215

PUBLIC HEARING-FY-89 COMMUNITY DEVELOPMENT  
WED., SEPTEMBER 7, 1988; 7:30 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilman  
Heft, Councilwoman Fiedelholtz,  
Councilman Spignardo.

BOARD MEMBER ABSENT: Councilwoman Siano.

OTHER OFFICIALS PRESENT: Town Attorney Seaman, Comptroller  
Reis, Chief of Police Koury,  
Jim Farr, McGoey and Hauser,  
Engineers.

SALUTE TO FLAG

Supervisor Green called to order a Public Hearing regarding FY-89 Community Development, and presided over same.

The Town Clerk presented proof of publication regarding same, as required by law.

Supervisor Green: Tonight we'll open up under Public Hearing for Community Development Block Grant for the fiscal year 1989.

Jim Farr: We're here tonight for a Public Hearing for a Community Development Grant for 1989. The Community Development program involves the Town applying for money for the low to moderate income areas. These areas are defined here (map) as the orange areas. The 1980 census was taken and all incomes under a certain level were defined as low to moderate.....below 16,450 dollars per resident. In the past the Town has applied for grants to cover items such as handicapped access to historic parks, dial-a-taxi for senior citizens, and sidewalks, curbs and storm drainage. We're here tonight to get your input for any other projects that you may wish to bring before us, and we could look at and possibly submit to the County for money. Currently, we're looking at putting sidewalks in the Clancyville area. Sidewalks, curbs and storm drainage in this area here. It could definitely help the people in that area. There are no sidewalks in that area, and the drainage is in very poor condition. We could open it up to any public comment now.

Supervisor Green: Before we do I would like to read into the record a letter from Mr. John Naclerio of 87 Meriline Avenue in New Windsor. It's addressed to myself and the Town Board members. It concern the Community Development Funds. I will not be able to attend the hearing concerning distribution of Community Development Funds due to my attendance at a Army Reunion in Tennessee. It is my opinion that City Park, which is the oldest area of our Town should receive a portion of these funds. Following is a list of improvements that should receive your consideration: Repaving of John Street, 9-W to Walsh Road. Sidewalks and curbs on John Street. Improvement to Walsh Road with speed limit signs and double yellow lines down center. Road should be widened and sidewalks should be considered for the north side of Walsh Road. All streets in City Park should be surveyed for repairs to shoulders of road. The main paving was done, but the shoulders were never completed. Storm drain catch basins should be repaired and connected to storm drain pipes. This should be a start for the present time, and hope you give this your favorable consideration. I remain, John J. Naclerio. Are there any other public comments in regard to Community Development Funds? Councilman Spignardo,

PUBLIC HEARING-FY-89 COMMUNITY DEVELOPMENT  
WED., SEPTEMBER 7, 1988

Sheet 2

is there anything you wanted to add?

Councilman Spignardo: No, it's just that John has requested some work be done on John Street and we already have the funds for that project. We're also considering projects for the '89 season, and if anyone does have any suggestions we would appreciate it .....

Hearing no others wishing to speak, the Supervisor entertained a motion to close the Public Hearing re: FY-89 Community Development Block Grant.

Motion by Councilman Heft, seconded by Councilwoman Fiedelholtz that the Town Board of the Town of New Windsor close the Public Hearing regarding the FY-89 Community Development Block Grant at 7:40 P.M.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,



PAULINE G. TOWNSEND  
TOWN CLERK

PGT:ec

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., SEPTEMBER 7, 1988; 7:30 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilman Heft,  
Councilwoman Fiedelholtz,  
Councilman Spignardo.

BOARD MEMBER ABSENT: Councilwoman Siano.

OTHER OFFICIALS PRESENT: Town Attorney Seaman, Comptroller  
Reis, Chief of Police Koury,  
Jim Farr, McGoey and Hauser,  
Engineers.

Supervisor Green called to order the Regular Town Board and  
Water Board Meeting and presided over same.

TAPE 1, SIDE A, TAPE #59

#1 On Agenda - Minutes - Public Hearing-Tanner Zone Change and  
Town Board and Water Board Meeting

Motion by Councilman Heft, seconded by Councilwoman Fiedelholtz  
that the Town Board of the Town of New Windsor approve the  
minutes of the Public Hearing regarding Proposed Local Law  
amending Chapter 48-Zoning Local Law Re: Tanner Property,  
and the Regular Town Board and Water Board Meeting both  
held on August 3, 1988, as per the copies posted on the Town  
Clerk's Bulletin Board in the Town Hall and same distributed  
to each of the Town Board Members.

Roll Call: All Ayes Motion Carried: 4-0

#1A. On Agenda - Minutes-Special Town Meeting

Motion by Councilwoman Fiedelholtz, seconded by Councilman  
Heft that the Town Board of the Town of New Windsor approve  
the Minutes of the Special Meeting held on August 24, 1988  
as per the copies posted on the Town Clerk's Bulletin Board  
in the Town Hall and same distributed to each of the Town  
Board Members.

Roll Call: All Ayes Motion Carried: 4-0

UNFINISHED BUSINESS

NONE

HIGHWAY DEPARTMENT

#2 On Agenda - Motion-Authorization for acceptance of performance  
bond-LuJan

Motion by Councilwoman Fiedelholtz, seconded by Councilman Heft that the Town Board of the Town of New Windsor authorize the establishment of a Performance Bond in the sum of \$75,000.00, said bond to be posted with the Town Clerk by LU JAN HOME BUILDERS INC. for BRANDON COURT in the Town of New Windsor in accordance with recommendation of Superintendent of Highways Fayo and Engineer for Town McGoey by correspondence dated June 20, 1988, as filed with the Town Clerk.

Roll Call: All Ayes Motion Carried: 4-0

#3 On Agenda - Motion-Authorizing reduction of improvement  
bond-Buhl Rinaldi

Motion by Councilman Heft, seconded by Councilwoman Fiedelholtz that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, BUHL-RINALDI SUBDIVISION (SHADY GROVE), has previously posted a public improvement bond in the sum of \$509,000.00 with the Town Clerk of the Town of New Windsor for improvements in the said subdivision; and WHEREAS, a resolution was then passed at the July 7, 1988 Town Board meeting reducing the public improvement bond to \$200,150.00 in accordance with recommendation of Town Highway Superintendent and Engineer for Town; and

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., SEPTEMBER 7, 1988  
SHEET 2

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., SEPTEMBER 7, 1988 SHEET 2

WHEREAS, BUHL-RINALDI SUBDIVISION (SHADY GROVE), has previously posted a public improvement bond in the sum of \$509,000.00 with the Town Clerk of the Town of New Windsor for improvements in the said subdivision; and WHEREAS, a resolution was then passed at the July 7, 1988 Town Board meeting reducing the public improvement bond to \$200,150.00 in accordance with recommendation of Town Highway Superintendent and Engineer for Town; and

WHEREAS, a further field inspection was made under date of September 1, 1988 by Town Highway Superintendent, Fred Fay, Jr. and Engineer for Town, Richard McGoey, and a memorandum dated September 7, 1988 was forwarded to the Town Board requesting a further reduction in the public improvement bond, leaving a reduced bond in the amount of \$77,750.00.

It is hereby RESOLVED that the Town Clerk of the Town of New Windsor is authorized to revise her files accordingly to reflect this reduction and the Town Clerk and Town Comptroller are hereby authorized to release any bonds or security in excess of the sum of \$77,750.00 or accept a replacement public improvement bond in the said amount.

Roll Call: All Ayes Motion Carried: 4-0

#4 On Agenda - Motion-Authorize Highway Superintendent to attend conference

Motion by Councilwoman Fiedelholtz, seconded by Councilman Heft that the Town Board of the Town of New Windsor authorize the Highway Superintendent to attend the 59th Annual Conference of the New York State Association of Town Superintendents of Highways, Inc. to be held September 27, 1988-September 30, 1988 at Kutsher's Country Club, Monticello, New York. Cost not to exceed \$350.00.

Roll Call: All Ayes Motion Carried: 4-0

#5 On Agenda - Motion-Transfer of Funds to Highway Dept.-  
Grove Homes

Motion by Councilwoman Fiedelholz, seconded by Councilman Heft that the Town Board of the Town of New Windsor adopts the following Resolution:

WHEREAS, GROVE HOMES, INC. has heretofore deposited a performance bond in the form of a cash passbook account with the Town of New Windsor guaranteeing the installation of the placement of blacktop on Ann Marie Drive in Beaver Dam Lake in the Town of New Windsor, New York in the amount of \$10,000; and

WHEREAS, GROVE HOMES, INC. has heretofore been notified by the Town of New Windsor to install the aforesaid blacktopping on Ann Marie Drive; and

WHEREAS, GROVE HOMES, INC. has defaulted in this obligation; and

WHEREAS, the Town of New Windsor was obligated to blacktop Ann Marie Drive due to the default by GROVE HOMES, INC.; and

WHEREAS, the total cost to the Town of New Windsor was \$10,595.85, all of which has been paid out of Highway Department funds.

IT IS HEREBY RESOLVED that the Comptroller is hereby authorized to transfer the sum of \$10,000.00 that was heretofore posted by GROVE HOMES, INC. guaranteeing the installation of blacktopping on Ann Marie Drive from the Town of New Windsor Trust and Agency Account to the Highway Department Account. And, it is further RESOLVED that the Attorney for the Town is hereby directed to notify GROVE HOMES, INC. that the cost of the project exceeded the sum of the performance bond and

BOARD MEMBERS PRESENT: Supervisor Green, Councilman Heft,  
Councilwoman Fiedelholz,  
Councilman Spignardo.

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., SEPTEMBER 7, 1988; 7:30 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK

REGULAR TOWN BOARD AND WATER BOARD MEETING  
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that the sum of \$595.85 remains due and owing and to proceed against GROVE HOMES, INC. for collection of same.  
Roll Call: All Ayes                      Motion Carried: 4-0

#6 On Agenda - Motion-Order calling public hearing-Garbage  
Study

Motion by Councilman Heft, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor authorize the adoption of an Order Calling Public Hearing In the Matter of the Proposed Extension to New Windsor Garbage District, in the Town of New Windsor, in the County of Orange, New York pursuant to Article 12-A of the Town Law. Said Public Hearing to be held October 5, 1988 at 7:30 P.M. in the Town Hall, 555 Union Avenue, New Windsor, New York 12550, as per the copy attached to the Minutes, Marked #1.  
Roll Call: All Ayes                      Motion Carried: 4-0

#6a. On Agenda - Receive and file-Performance Bond-  
Exeter Building Corp. (Washington  
Green)

Hearing no objection, the Town Board of the Town of New Windsor, receive and file, Performance Bond, submitted by Exeter Building Corporation, 345 Windsor Highway, New Windsor, New York 12550, in the amount of \$584,000.00, Bond No. #818780, dated August 29, 1988, said Bond for the construction of roadway to be known as "Washington Drive".

WATER DEPARTMENT

#7 On Agenda - Receive and file-Executed agreement between  
the Secretary of Army and the Town of New  
Windsor



Hearing no objections, the Town Board of the Town of New Windsor receive and file executed copy of Agreement No. DACA51-1-88-177 entered into on July 22, 1988, between the Secretary of the Army and the Town of New Windsor, pertaining to Water Treatment Facility and Water Distribution System located at Stewart Army Subpost, New Windsor, New York.

#8 On Agenda - Motion-Authorize Herbert Smith and Charles Gorton to attend school

Motion by Councilman Heft, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor authorize Herbert Smith and Charles Gorton to attend school for their Grade II A license at STate University College at New Paltz. Cost for course is \$460.00 each, they will attend class two (2) nights a week for a period of thirteen (13) weeks.  
Roll Call: All Ayes                      Motion Carried: 4-0

#9 On Agenda - Motion-Advertise for Water Meters

Motion by Councilwoman Fiedelholz, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise calling for sealed Bids for the Water Meters known as Rockwell Water Meters on behalf of the Water Storage and Distribution District to be publicly opened on September 27, 1988 at 3:00 P.M. Also, that the Town Board of the Town of New Windsor reserves the right to accept or reject any and/or all Bids.  
Roll Call: All Ayes                      Motion Carried: 4-0

Motion by Councilwoman Fiedelholz, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise calling for sealed Bids for the Water Meters known as Rockwell Water Meters on behalf of the Water Storage and Distribution District to be publicly opened on September 27, 1988 at 3:00 P.M. Also, that the Town Board of the Town of New Windsor reserves the right to accept or reject any and/or all Bids. Roll Call: All Ayes Motion Carried: 4-0

#9 On Agenda - Motion-Advertise for Water Meters

Motion by Councilman Heft, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor authorize Herbert Smith and Charles Gorton to attend school for their Grade II A license at State University College at New Paltz. Cost for course is \$460.00 each, they will attend class two (2) nights a week for a period of thirteen (13) weeks. Roll Call: All Ayes Motion Carried: 4-0

#8 On Agenda - Motion-Authorize Herbert Smith and Charles Gorton to attend school

located at Stewart Army Support, New Windsor, New Windsor

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#10 On Agenda - Motion-Advertise for Chemical Bids

Motion by Councilman Heft, seconded by Councilwoman Fiedelholz that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise calling for sealed Bids for chemicals to be used by the Water Department Plant as requested by the Water Superintendent, to be publicly opened on September 26, 1988, at 3:00 P.M. Also, that the Town Board of the Town of New Windsor reserves the right to accept or reject any and/or all Bids. Roll Call: All Ayes Motion Carried: 4-0

#11 On Agenda - Motion-Authorizing flow rate study-Water Filtration Plant

Motion by Councilman Heft, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, the Town Board has heretofore authorized the Engineer for the Town to apply to the Orange County Board of Health for approval of increasing the water filtration rate in the New Windsor Water Filtration Plant; and

WHEREAS, the Orange County Board of Health requested that a study be performed to demonstrate that increased filter rate would effectively filter the water from the Catskill Aqueduct; and

WHEREAS, the engineering firm of O'Brien and Gere, 1304 Buckley Road, Syracuse, New York 13221, and the engineering firm of McGoey, Hauser and Edsall Consulting Engineers, P.C., 45 Quassaick Avenue, New Windsor, New York, have forwarded proposals to the Town of New Windsor for jointly preparing the report to be submitted to the Orange County Board of Health.

It is hereby RESOLVED that the engineering firms of O'Brien and Gere and McGoey, Hauser and Edsall are hereby authorized to conduct a study and prepare a report of increased filter rates for the New Windsor Filtration Plant and submit same to the Orange County Board of Health and the Town of New Windsor.

It is further RESOLVED that the total sum to be expended for this study shall not exceed the sum of THIRTY-THREE THOUSAND (\$33,000) DOLLARS for services by O'Brien and Gere and ELEVEN THOUSAND (\$11,000) DOLLARS for services by McGoey, Hauser and Edsall.

It is finally RESOLVED that all funds for payment for this study shall be paid from current operating budget of the Water Department and be reimbursed to the operating account upon final financing of the project.

Roll Call: All Ayes                      Motion Carried: 4-0

#12 On Agenda - Motion-Authorizing repair of Water  
Filtration Plant

Motion by Councilman Heft, seconded by Councilwoman Fiedelholz That the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, the New Windsor Water Filtration Plant has developed certain cracks in the block walls of the rear and side walls; and

WHEREAS, STORM KING CONTRACTORS have investigated the damaged condition of the filter plant and have agreed to repair same.

It is hereby RESOLVED that the Supervisor is authorized to engage STORM KING CONTRACTORS to repair the cracks in the rear and side walls of the New Windsor Filtration Plant in

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accordance with the recommendations of the Engineer for the Town and that the cost of said project shall be paid from the current operating budget of the Water Department and shall not exceed the sum of SIX THOUSAND (\$6,000) DOLLARS.

Roll Call: All Ayes Motion Carried: 4-0

SANITATION DEPARTMENT

#13 On Agenda - Motion-Order calling public hearing-  
Sewer Assessment Roll for 1989

Motion by Councilman Spignardo, seconded by Councilman Heft that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise calling for a Public Hearing to be held on October 5, 1988, at 7:30 P.M. in the Town Hall, 555 Union Avenue, New Windsor, New York, to hear all persons of the Town of New Windsor in all Sewer Districts, interested in the Sewer Assessment Roll.

Roll Call: All Ayes Motion Carried: 4-0

#14 On Agenda - Motion-Award Bid, Sewer District #20,  
Phase 1B

Motion by Councilwoman Fiedelholz, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor award Bid for Sewer District #20, Phase 1B, to the Lowest bidder, Balport Construction Co., Inc. of Hawthorne, New York, their bid submitted and publicly opened on July 26, 1988, at a cost of \$138,484.00, by recommendation of McGoey, Hauser and Edsall, Consulting Engineers.

Roll Call: All Ayes Motion Carried: 4-0

GENERAL

#15 On Agenda - Receive and file-Stipulation discontinuing  
action-VGR Associates

Hearing no objections, the Town Board of the Town of New Windsor receive and file, Stipulation Discontinuing Action in the matter of The People of the State of New York against Howard V. Rosenblum d/b/a/ VGR Associates, dated July 20, 1988. Same being referred to the Attorney for the Town.

#16 On Agenda - Receive and file-Executed copy of FY-1988  
Comm. Dev. Project Contract

Hearing no objection, the Town Board of the Town of New Windsor receive and file, executed copy of FY-1988 Community Development Project Contract.

#17 On Agenda - Receive and file-Notice of Claim (Leonor  
Mejia, deceased)

Hearing no objection, the Town Board of the Town of New Windsor receive and file, Notice of Claim in the matter of Leonor Guillermo Mejia, deceased, by Fulgeneio Mejia vs. the Town of New Windsor, same being referred to the Attorney for the Town.

#18 On Agenda - Receive and file-Letter and petition submitted  
by James V. Golon

Hearing no objections, the Town Board of the Town of New Windsor receive and file, letter and petition submitted by James V. Golon, dated August 10, 1988, requesting a fence

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separating property from the Butterhill Park be erected and that "NO STOPPING ANYTIME" signs be installed on both sides of Creamery Drive and Custard Court.

#19 On Agenda - Motion-Execute NYS Div. for Youth Project  
Application & Youth Service

Motion by Councilman Heft, seconded by Councilwoman Fiedelholtz that the Town Board of the Town of New Windsor authorize the submission of the Project Application to the New York State Division for Youth for approval of projects as recommended by the Recreation Director and executed by the Town Supervisor. Also, that the Town Clerk be authorized to certify said Application as required, and, the Town Supervisor also execute the Project Application for the Youth Service Program as submitted by the Program Director, and that the Town Clerk be authorized to certify said Application as required.  
Roll Call: All Ayes Motion Carried: 4-0

#20 On Agenda - Receive and file-Summons (Linda Mitchell)

Hearing no objections, the Town Board of the Town of New Windsor, receive and file Summons, as handed down from the Supreme Court of the State of New York, County of Orange, in the matter of Linda Mitchell vs. the Town of New Windsor. Same being referred to the Attorney for the Town.

#21 On Agenda - Receive and file-Order (Raymond & Catherine Mulligan)

Hearing no objection, the Town Board of the Town of New Windsor receive and file, Order, in the matter of Raymond I. and Catherine C. Mulligan, Petitioners, for Review of an Assessment Pursuant to Article 7 of the Real Property Tax Law, against Christian E. Jahrling, Assessor of the Town of New Windsor, the Board of Assessment Review of the Town of New Windsor and the Town of New Windsor, Orange County, New York as handed down by the Supreme Court of the State of New York, County of Orange, Order Index #6698/87, same being referred to the Attorney for the Town.

#22 On Agenda - Receive and file-Notice of Claim (Elisa Schenk)

Hearing no objections, the Town Board of the Town of New Windsor receive and file, Notice of Claim in the matter of Elisa Schenk vs. the Town of New Windsor. Same being referred to the Attorney for the Town.

#23 On Agenda - Motion-Authorize use of parking lot to N.W. Women's Democratic Club

Motion by Councilwoman Fiedelholz, seconded by Councilman Heft that the Town Board of the Town of New Windsor grant permission to the New Windsor Democratic Women's Club to park cars in the Town Hall parking lot on Saturday, October 29, 1988, from 7:00 A.M. to 11:00 P.M., also for a bus to enter the parking lot to pickup and discharge passengers, also the Town of New Windsor is not liable for any liability that may occur and that the Police Department be notified of same.

Roll Call: All Ayes      Motion Carried: 4-0

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#24 On Agenda - Receive and file-Notice of Claim  
(Marie Calvino)

Hearing no objection, the Town Board of the Town of New Windsor receive and file, Notice of Claim, in the matter of Marie Calvino, as Parent and Natural Guardian of Kimberly A. Calvino, same being referred to the Attorney for the Town.

#25 On Agenda - Receive and file-Appraisal of property-  
Town of New Windsor Town  
Hall

Hearing no objections, the Town Board of the Town of New Windsor receive and file the Appraisal of the Town of New Windsor Town Hall Property, said appraisal conducted by Appraisal Services Company, 1200 Stony Brook Court, Newburgh, New York.

#26 On Agenda - Receive and file-Letter submitted by William  
Fahr

Hearing no objections, the Town Board of the Town of New Windsor receive and file letter submitted by William Fahr, requesting that a double yellow center line be painted on Moores Hill Road. Same being referred to the Highway Superintendent and the Attorney for the Town.

#27 On Agenda - Receive and file-Letter submitted by Det.  
Peter DiGregorio

Hearing no objection, the Town Board of the Town of New Windsor receive and file letter submitted by Det. Peter DiGregorio, advising that his retirement papers have been filed and last day of employment with the Town of New Windsor is August 31, 1988.



#28 On Agenda - Motion-Award Fuel Oil Bid for 1988-89  
Season

Motion by Councilwoman Fiedelholtz, seconded by Councilman Heft that the Town Board of the Town of New Windsor award the Fuel Oil Bid to heat the various Town Buildings for the 1988-89 heating season to the lowest Bidder, T.F. PRENDERGAST FUELS, INC. of New Windsor, New York, as per their Bid submitted and publicly opened on August 23, 1988, for a cost of 52.42 per gallon, delivered.  
Roll Call: All Ayes      Motion Carried: 4-0

#29. On Agenda - Motion - Award Bid-Petroleum Tank  
Replacement Project

Motion by Councilman Heft, seconded by Councilman Spignardo, that the Town Board of the Town of New Windsor award Bid for the Petroleum Tank Replacement Project to the lowest bidder, Testco, Inc., of Walden, New York, their bid submitted and publicly opened on September 6, 1988, at a cost of \$32,900.00 by recommendation of McGoey, Hauser and Edsall Consulting Engineers.  
Roll Call: All Ayes      Motion Carried: 4-0

#30 On Agenda - Motion-Appoint Records Management Officer

Motion by Councilman Spignardo, seconded by Councilman Heft that the Town Board of the Town of New Windsor appoint Pauline G. Townsend, Town Clerk, as Records Management Officer for the Town of New Windsor, in accordance with Section 57.19 of the Arts and Cultural Affairs Law.  
Roll Call: All Ayes      Motion Carried: 4-0

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#31 On Agenda - Motion-Authorize Supervisor to execute  
Memorandum of Agreement-Town of  
New Windsor - CSEA

Motion by Councilwoman Fiedelholtz, seconded by Councilman  
Heft that the Town Board of the Town of New Windsor  
authorize the Supervisor to execute Memorandum of  
Agreement regarding the contractual agreement between  
the Town of New Windsor and the Civil Service Employees  
Association, Local 836.

Roll Call: All Ayes Motion Carried: 4-0

#31a. On Agenda - Motion-Cancel Town Board Meeting of  
September 21, 1988

Motion by Councilwoman Fiedelholtz, seconded by Councilman  
Spignardo that the Town Board of the Town of New Windsor  
cancel the Town Board Meeting of September 21, 1988 and  
reschedule same for September 28, 1988.

Roll Call: All Ayes Motion Carried: 4-0

#32 On Agenda - Official Reports

Hearing no objections, the following reports were received,  
recorded and filed with the Town Clerk:

Water Superintendent's report	Month of July 1988
Tax Receiver's report	Month of August 1988
Social Service Officer's report	Month of July 1988
Recreation Director's report	Month of August 1988
Town Clerk's report	Month of August 1988

TAPE 1, SIDE A, TAPE #374

#33 On Agenda - Public Forum

Amy Schwartz, 16 Creamery Drive: Stop signs.  
Councilwoman Fiedelholtz: Amy, I see them in my sleep.  
Amy Schwartz: Fine, I would like to see them on my street corners.  
Supervisor Green: I have a memo going off listing several projects to the Highway Superintendent. There are many signs, and I spoke to him this afternoon about it.  
Councilwoman Fiedelholtz: Excuse me, Mr. Supervisor, would you please add the Homin property, there's-would you tell him the exact location of it because I am getting no place.  
Fran Homin: On Lawrence and Goodman there's about eight to ten feet going around the corner....  
Supervisor Green: John and I spoke about this didn't we, or did you and I speak about this. I already told him about that it seems.  
Councilman Heft: John knows it. Skippy knows about it.  
Councilwoman Fiedelholtz: Add it to the list so that we can keep....  
Councilman Spignardo: Put down Silver Spring Road, too.  
Councilman Heft: Do you know where there's a bad spot. A gal called me the other day and I went by and looked at it. Coming off of Provost on to Old Forge Hill Road. There's a blockage-the trees have grown wild. They're growing in the gutter and they're up kind of.....that you can't see the corner, and there's a traffic light right there, and if they make the light they shoot right through and they're at the intersection before anybody knows it.  
Supervisor Green: That spot is terrible, too. I have a whole list of projects that we discussed last

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night. Amy, I'm sure you realize what the story is.  
Amy Schwartz: Yes.

TAPE 1, SIDE A, TAPE #407

Laura Casey, 71 Creamery Drive: I'm here about the playground in the back and the fence that we want put around that playground. What I'm here to tell you is we want to stop that playground. we don't want it there. We've lost our privacy and we've lost our security. It's not right for any of the other residents in New Windsor who can't really have access to that playground. It's not a proper place for the playground. There's no facilities there for people to pull up and park their cars all over the street, go through those two homes to get to that playground. There's children all over my backyard. When I'm not at work I'm responsible for those children, and they are there because you put that playground behind my house. If it's going to stay there you will have to put a fence around that thing; and you're going to put a fence that is pretty to the eye. You're going to put one up that children are not going to climb over. I don't want a chain link fence around my house, you're going to make it look like a prison camp, and I want one that is going to beautify the area if you want to keep that playground, because you're taking away the privacy and security of my home. There has been a petition filed by Mr. Golon, and you have that on file. Supervisor Green: Let me explain, and I see other area residents there. Last night we spoke to the Youth and Recreation Director who was in on another matter, and we asked her to come forward with some formal

prices on fencing and show that fencing on the map. Show exactly what the linear feet and where that fencing would be placed, and get us some estimates on the fencing. We discussed this before. Until we have that, obviously, we can't make a decision one way or the other. You know what the history of the park is. The park was built on a petition, I believe, of the residents down there. Amy, is that correct?

Laura Casey: I would also like to tell you that you were misrepresented by this so-called Homeowner's Association. I did not vote for that. I did not vote for that playground back there. It went up when I was on my vacation. I had no idea there was a playground going up back there. There is no Homeowner's Association. I live in a house, I pay taxes. I do not live in a condominium, and I do not pay a Homeowner's Association to speak for me.

Supervisor Green: I believe there was a petition that....

Councilwoman Fiedelholz: .....for that when I was the liaison for Recreation, and we walked that property and scrutinized it. But, you can have a Homeowner's Association by having just a regular home. It does not have to be a condo.

Laura Casey: Fine, but I did not vote to have that playground back there, and I'm the immediate person that that playground affects. My house and Mr. Golon's house is right on the..... It invades my privacy and my security. My daughter cannot play outside on the swing set that is on my lawn, because there are teenagers there who are strangers to her. She is three years old and she'll walk right away with those boys and girls. I can't leave my children outside any more. I can't leave my home, because when I come home the water faucet is on in back because the children have been drinking from the hose.

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Councilwoman Fiedelholtz: Why would teenagers be attracted to that playground.

Laura Casey: Everybody is attracted to that playground.

Mr. Casey: .....back there, there's no security back there.

Laura Casey: When it's dark I hear them in the back. There are people coming from the apartments. I don't need that in front of my house.

Councilwoman Fiedelholtz: The playground materials that were to be placed there was to be for young children. It was not supposed to be in any way an attraction for teenagers.

Joe Prokop, 75 Creamery Drive: When the Association was originally involved in this I was one who signed a petition with the understanding there would be a fence put around the properties. I have the same concern as she does. I'm lucky I have a babysitter all day. Fortunately, I can afford to pay because my wife and I both have to work, and she chases kids constantly out of my yard. I also have a pool back there that I'm very concerned about. I found rocks in it. I listened to kids using foul language out there, and there are a lot of small kids that go back there with their parents. I watch them cut through my yard. I watch them cut through his yard right in front of him. It's like we're infringing on them. As far as I'm concerned the value of that house-if you want to keep that park back there then you can lower my assessment by 10,000 dollars. The Association said there would be a fence put up there and the Town would take care of it. Now there's no fence.

Councilwoman Fiedelholtz: But it cannot happen in two seconds. It has to go procedurally and properly.

Mr. Casey: My understanding was when that park was put up there would be a fence put up.

Councilwoman Fiedelholz: That is exactly what we are looking into.

Laura Casey: Let me put it this way, even if there wasn't any house there, at the end of that playground is a cliff that..... Now, all good intentions put the playground, but the fence should have been up there first. I haven't let my daughter go down there. I can't, because if I turn my back she runs down that cliff she's gone, and who's liable for her. Of course, she's my daughter and I'm responsible for her, but what happens if she falls down that cliff.

Councilman Heft: We're going to have to put in a fence.

Supervisor Green: That fence has been authorized already.

Joe Prokop: It's no fun living here any more. It's bad enough the houses are on top of each other.

Laura Casey: I can't sell my house because property values have gone down because all these people come prancing right through, and then if you put a fence around there, what will you put a four foot chain link fence because it's cheaper.....

Councilwoman Fiedelholz: No, we're not interested in cheaper. Our responsibility as Town Board members is to ensure the safety of the children for whatever.....

Councilman Spignardo: Can I ask Amy a question. Amy, is the Association still in operation.

Amy Schwartz: No.

Councilman Spignardo: Is there anyway we can get a petition, an idea of how many people are really interested in having that playground down there.

Amy Schwartz: You can have Belle send notices to everyone in the development.

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Councilman Spignardo: I personally feel that the playground doesn't belong there. I think it's a bad spot. Before we take any action I would like to know the feeling of the people down there.

Amy Schwartz: By all means have Belle send a letter out to all the homeowners.

Laura Casey: I live right there and I can tell you I knew nothing about it.

Councilman Spignardo: We did get a ball park figure of \$20,000 for the chain link fence down there, and I think to invest that kind of money in what I consider a non-playground, I think is ridiculous.

Supervisor Green: I'll tell you my feeling, and we've discussed this before. At this point any fence down there, and I tend to agree with Councilman Spignardo, any fence down there is not going to alleviate the problems of the kids hanging out. It's going to make it more secure for them. You're going to have more trouble at night. It's going to become more of a burden to the Police Department. My feeling is that I would pick the stuff up and move it.

Councilman Spignardo: That experience in Clancyville with that playground, that just didn't work out, and this one here isn't going to work out either. I would consolidate those funds and put it in San Giacomo Park or somewhere where it's going to be.....

Supervisor Green: However, I don't know what the resolution of that land is going to be. What's going to happen the land is still going to hang out there.

Amy Schwartz: Why accept land from builders if you're not going to use it.

Supervisor Green: That's the exact point. That's the exact point, Amy.



Amy Schwartz: In the meantime you're going to have utility somewhat across just sitting- that the homeowners that live around the area are then going to be encroached. Councilwoman Fiedelholz: What concerns me utmost is the safety of the children there. Regardless of what you put on there, you still have this piece of land. When I was walking with Belle there and I looked at that cliff. But the land is still the Town's responsibility, so that's the first fact.

Discussion continued to-TAPE 1, SIDE B, TAPE #184

Supervisor Green: Is there anybody else with another topic?

Councilman Heft: I had a question today from a person, in fact from a group of people, and Epiphany came up. They are very disenchanted with the whole idea lately because nothing has been happening. Frankly, I'm getting that way, too. I think we ought to-I'm going to ask you to make a formal meeting with Skylom and we'll get this thing off of dead center. My opinion as of right now is that because we're tied in with their development, they're holding our parcel hostage. They are not telling us anything. They're not making any deals until they get what they want. That's not the way I want to do business.

Supervisor Green: That's why I want to sever us from the D.E.I.S.

Councilman Heft: Let's have a meeting with the whole Board and Skylom and let's get something moving.

Supervisor Green: However, what we need at that-what we need is a final determination from the Engineers on this asbestos.

Councilman Heft: They gave us two and a quarter million to fix it.

Supervisor Green: No, 2 point 1....

Supervisor Green: No, 2 point 1....  
to fix it.  
Councilman Heft: They gave us two and a quarter million  
asbestos.  
needed is a final determination from the engineers.

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Councilman Heft: But the asbestos removal you're only talking about \$100,000 difference.

Supervisor Green: The asbestos was part of that overall package. The asbestos removal people are very, very independent. They hung him up for three weeks from the time we told them to come up and do the inspection.

Councilman Heft: I don't want to use that as a reason for not meeting. According to the engineers the difference was-and even as you say is that maybe from 100 to 200 thousand dollars difference, and when he did talk to us he said that they found it not as bad as they thought. So it isn't going to be the maximum.

Supervisor Green: No.

Councilman Heft: So, out of two and a half million dollars, approximately, a million for the building, 3.1 and a million for the building, \$100,000 one way or the other is not going to make or break the project. So, I say let's find out and get going on the damn thing, and not keep letting it drag. We'll be two years down the road before we do anything. I was very disappointed in the appraisal we got on this property-\$600,000.

Supervisor Green: Nine hundred with two buildings, but it's ridiculous. I think we have to move on it one way or the other.

Councilman Heft: That's why I'm asking you formally to request a meeting with them and work something out.

Fran Homin: Has anyone on the Board monitored the highway on Temple Hill Road.

Supervisor Green: That's a State highway.

Fran Homin: They're making a ditch and all the water comes from Temple Hill School. They're making a ditch.....our stone wall looks like the whole ditch has gone into her property.

Supervisor Green: It's your sister's property.

Fran Homin: I just noticed it. I thought maybe the Town would oversee what's happening.

Supervisor Green: I'll ask Joe O'Malley to look at it.

Councilwoman Fiedelholtz: It should be reported anyway.

Hearing no others wishing to speak the Supervisor entertained a motion to close the Public Forum Portion of the Agenda.

Motion by Councilman Heft, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor close the Public Forum Portion of the Agenda.

Roll Call: All Ayes      Motion Carried: 4-0

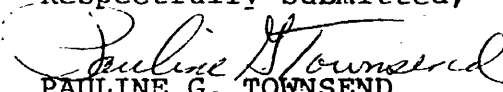
#34 On Agenda - Adjourn

Motion by Councilman Heft, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor adjourn the Regular Town Board and Water Board Meeting at 8:40 P.M.

Roll Call: All Ayes      Motion Carried: 4-0

PGT:ec

Respectfully submitted,

  
PAULINE G. TOWNSEND  
TOWN CLERK

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12550

(This is a two-sided form)

Date Received \_\_\_\_\_  
Meeting Date \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Action Date \_\_\_\_\_  
Fees Paid \_\_\_\_\_

APPLICATION FOR SITE PLAN, LOT-LINE CHANGE  
OR SUBDIVISION PLAN APPROVAL

1. Name of Project Tennis Equities Multisport Complex
2. Name of Applicant Tennis Equities, Inc. Phone 914-241-0797  
(d/b/a Saw Mill Sports Management Corp.)  
Address Kensico Drive Mt. Kisco, New York 10549  
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Robert Logan/Edward Plant Phone \_\_\_\_\_  
Address C/o Wings Distribution Inc. 72 Rte 9W, New Windsor, N.Y. 12550  
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan George F. Henschel, Jr. A.P.A. Phone 914-234-9454  
Address Village Green Bedford, New York 10506  
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney None Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the West side of Route 9W  
300 feet South  
(Direction)  
of Plum Point Road  
(Street)
7. Acreage of Parcel 8.1 8. Zoning District N.C. / R 5
9. Tax Map Designation: Section 37 Block 1 Lot 16.2
10. This application is for Site Plan Approval
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? No

If so, list Case No. and Name \_\_\_\_\_

12. List all contiguous holdings in the same ownership  
Section -- Block -- Lot(s) --

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT  
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

\_\_\_\_\_ being duly sworn, deposes and says  
that he resides at \_\_\_\_\_  
in the County of \_\_\_\_\_ and State of \_\_\_\_\_  
and that he is (the owner in fee) of \_\_\_\_\_

(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized \_\_\_\_\_ to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

6 day of April 1988

[Signature]  
Notary Public

Robert Lisan / sep  
(Owner's Signature)

Anthony P. Reusman  
(Applicant's Signature)

CPA  
(Title)

LAWRENCE REIS  
Notary Public, State of New York  
Qualified in Orange County  
No. 4512833  
Commission Expires July 31, 1989

REV. 3-87

## INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 1 SEPTEMBER 1988

SUBJECT: THE CLUB AT NEW WINDY - TENNIS EQUITIES

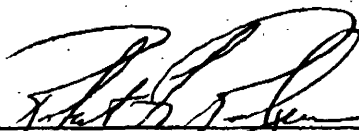
Planning Board Reference Number: 7/1/88

Fire Prevention Reference Number: 88-82

REVISION DATED 29 AUGUST 1988

A review of the above referenced subject site plan/subdivision was conducted on 1 SEPTEMBER 1988.

This site plan/subdivision is found acceptable.



Robert F. Rodgers; CCA  
Fire Inspector



# SAW MILL SPORTS MANAGEMENT CORPORATION

KENSICO DRIVE

MOUNT KISCO, NY 10549

914-241-0797

88-31

July 21, 1988

Mr. Henry Scheible  
Chairman  
Planning Board of New Windsor  
Town of New Windsor  
555 Union Avenue  
New Windsor, N.Y. 12550

Dear Mr. Scheible:

I am writing to ask you to place the Saw Mill Sports Management/Tennis Equities proposal on the new agenda being planned for the Town of New Windsor Planning Board Meeting on July 27th. As you know, Saw Mill Sports Management Corporation has a contingent contract to purchase the 9W indoor tennis site currently occupied by the Wings Distribution Center. We have submitted plans to your Board for the development of the rear of the property for outdoor tennis and swimming, plus appropriate interior changes to provide a first rate multi-sport club for the community.

Our contract was signed in mid-May and plans were submitted promptly at that time. We put a five month contingency for Planning Board approval, feeling that was adequate time to obtain our site approvals. But time is getting short and I'm a little concerned that we might not make our mid-September deadline.

A preliminary site plan review on the 27th would at least start the engineering evaluation of our proposal and give your Board at the community a chance to see what we have in mind. I hope you can accomodate us on that evening.

Very truly yours,

Curtis C. Beusman

CCB:gms

cc: Joseph Rones

Rachel Fiedelholtz



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

## TOWN OF NEW WINDSOR PLANNING BOARD

### CHECKLIST FOR COMPLETE SUBMITTALS AND ROUTING CHECKLIST

PROJECT NAME: Tennis Equities Multi-sport Complex  
PROJECT NUMBER: 88-310

Completed Application Form  
Notarized Endorsement on Application  
Application Fee  
Proxy Statement  
Environmental Assessment Form  
Completed Checklist  
Fourteen (14) Sets of Submittal Plans

✓  
✓  
✓  
5/27/88  
✓  
✓  
✓

### ROUTING PROCEDURE

Copies of the submitted plan should be sent to the following Departments.

Sewer Department \_\_\_\_\_  
Planning Board Engineer \_\_\_\_\_  
Orange County Planning\* \_\_\_\_\_  
Bureau of Fire Prevention \_\_\_\_\_

Building Inspector \_\_\_\_\_  
Water Department \_\_\_\_\_  
Highway Department \_\_\_\_\_  
NYSDOT\* \_\_\_\_\_

In addition copies of the following should be sent to the Planning Board Engineer:

Application \_\_\_\_\_  
Submittal Checklist \_\_\_\_\_

EAF \_\_\_\_\_  
Dept. Review \_\_\_\_\_

\* O/C Planning and DOT as required.



PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Robert H. Logan, deposes and says that he  
resides at 31 Merritt Street, Port Chester, N.Y.  
(Owner's Address)

in the County of Westchester

and State of New York

and that he is the owner in fee of Sec 37, Block 1, Lot 16.21

in the Town of New Windsor

which is the premises described in the foregoing application and  
Saw Mill Sports Management Corporation  
that he has authorized George F. Hanschel, Jr. & Assoc., and Kartiganer  
Engineers.

to make the foregoing application as described therein

Date: May 24 1988

Edward R. Plant and  
Robert H. Logan Jr.  
Stephen D. Dwyer, Attorney  
(Owner's Signature)

Patricia Amena  
(Witness' Signature)

# TENNIS EQUIPES MULTISPORT COMPLEX

## TOWN OF NEW WINDSOR PLANNING BOARD SITE PLAN CHECKLIST

### ITEM

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Site Plan Title               | 29. <input type="checkbox"/> Curbing Locations                              |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s)           | 30. <input type="checkbox"/> Curbing Through Section                        |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es)       | 31. <input type="checkbox"/> Catch Basin Locations                          |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name     | 32. <input type="checkbox"/> Catch Basin Through Section                    |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address  | 33. <input type="checkbox"/> Storm Drainage                                 |
| 6. <input checked="" type="checkbox"/> Drawing and Revision Dates    | 34. <input type="checkbox"/> Refuse Storage                                 |
| 7. <input checked="" type="checkbox"/> 4"x2" Box for Approval Stamp. | 35. <input type="checkbox"/> Other Outdoor Storage                          |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET                | 36. <input type="checkbox"/> Area Lighting                                  |
| 9. <input checked="" type="checkbox"/> Site Designation              | 37. <input type="checkbox"/> Sanitary Disposal Sys.                         |
| 10. <input type="checkbox"/> Properties Within 500 Feet of Site      | 38. <input type="checkbox"/> Water Supply/Fire Hydrants                     |
| 11. <input type="checkbox"/> Property Owners (Item #10)              | 39. <input checked="" type="checkbox"/> Building Locations                  |
| 12. <input checked="" type="checkbox"/> PLOT PLAN                    | 40. <input checked="" type="checkbox"/> Building Setbacks                   |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser)   | 41. <input type="checkbox"/> Front Building Elevations                      |
| 14. <input checked="" type="checkbox"/> Metes and Bounds             | 42. <input type="checkbox"/> Divisions of Occupancy                         |
| 15. <input checked="" type="checkbox"/> Zoning Designation           | 43. <input type="checkbox"/> Sign Details                                   |
| 16. <input checked="" type="checkbox"/> North Arrow                  | 44. <input checked="" type="checkbox"/> BULK TABLE INSET                    |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners     | 45. <input checked="" type="checkbox"/> Property Area (Nearest 100 sq. ft.) |
| 18. <input checked="" type="checkbox"/> Existing Building Locations  | 46. <input checked="" type="checkbox"/> Building Coverage (sq. ft.)         |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas         | 47. <input checked="" type="checkbox"/> Building Coverage (% of Total Area) |
| 20. <input checked="" type="checkbox"/> Existing Vegetation          | 48. <input checked="" type="checkbox"/> Pavement Coverage (Sq. Ft.)         |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress     | 49. <input checked="" type="checkbox"/> Pavement Coverage (% of Total Area) |
| <b>PROPOSED IMPROVEMENTS</b>   |   |
| 22. <input type="checkbox"/> Landscaping                             | 50. <input checked="" type="checkbox"/> Open Space (Sq. Ft.)                |
| 23. <input type="checkbox"/> Exterior Lighting                       | 51. <input checked="" type="checkbox"/> Open Space (% of Total Area)        |
| 24. <input checked="" type="checkbox"/> Screening                    | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Proposed.     |
| 25. <input checked="" type="checkbox"/> Access & Egress              | 53. <input checked="" type="checkbox"/> No. of Parking Required.            |
| 26. <input checked="" type="checkbox"/> Parking Areas                |   |
| 27. <input checked="" type="checkbox"/> Loading Areas                |   |
| 28. <input type="checkbox"/> Paving Details (Items 25-27)            |   |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

### PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: Cap. F. W. L. AIA  
Licensed Professional

Rev. 3-87

Date: 5-5-88

## SHORT ENVIRONMENTAL ASSESSMENT FORM

Appendix B Part 617

Project Title: TENNIS EQUIPMENTS MULTISPORT COMPLEX

Location: ROUTE 9W / 300 FT. SOUTH OF PLUM POINT RD.

ID Number: \_\_\_\_\_

### INSTRUCTIONS:

- (a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered **Yes**, the project may have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

### ENVIRONMENTAL ASSESSMENT

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| 1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Will there be a major change to any unique or unusual land form found on the site?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Will project alter or have a large effect on an existing body of water?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Will project have an adverse impact on groundwater quality?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Will project significantly effect drainage flow on adjacent sites?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Will project affect any threatened or endangered plant or animal species?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Will project result in a major adverse effect on air quality?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Will project have a major adverse effect on existing or future recreational opportunities?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11. Will project result in major traffic problems or cause a major effect to existing transportation systems?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Is project non-farm related and located within a certified agricultural district?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14. Will project have any adverse impact on public health or safety?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Is there public controversy concerning any potential impact of the project?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

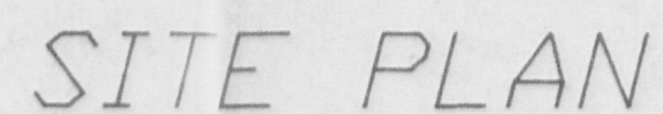
*Cap. F. McLean* 5-5-88  
FOR AGENCY USE ONLY

Preparer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Preparer's Title: \_\_\_\_\_

Agency: \_\_\_\_\_





1. LOT AREA	10,000 SQ/FT	352,836 SQ/FT (8.1 AC.)
2. LOT WIDTH	100'	400'
3. FRONT YARD	40'	98'
4. SIDE YARDS	15/35	27/52
5. REAR YARD	15'	800'
6. MAX. BLD'G HT.	35'	35'
7. FLOOR AREA RATIO	1	
8. BUILDING COVERAGE		46660 SQ/FT 13%
9. PAVEMENT COVERAGE PARKING AREA DECKS & COURTS % PAVEMENT COVERAGE		70,000 SQ/FT 31,600 SQ/FT 29%
10. OPEN SPACE % OPEN SPACE		204,576 SQ/FT 58%
11. OFF STREET PARKING	1/15MEMBERS (134 SPACES)	149 SPACES

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